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ABSTRACT

To assist directors of local migrant projects in planning/developing a project application and in implementing/evaluating migrant projects, this guide also serves as a reference or checklist for mandated responsibilities, as an outline of good management, as an evaluative instrument to both new and experienced project directors who wish to assess their management practices, and as an aid to local and project agencies in improving the quality of program implementation. Chapter II provides a description of the state's role in order to help the project director understand the relationship between the state and local administration. Chapter III lists the steps to a successful application and the steps in a project's development, including establishing a parent advisory council, assessing needs, stating objectives, developing a plan to achieve the objectives, surveying resources, determining the program emphasis, itemizing supporting services, achieving intra-agency coordination, and developing a plan to resolve complaints at the local level. Chapter IV is concerned with project implementation and 14 appendices are designed to further aid the project director in the area of mandated responsibilities. (AN)

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STATE OF WISCONSIN

MIGRANT EDUCATION HANDBOOK

FOR

LOCAL MIGRANT PROJECT DIRECTORS

MIGRANT EDUCATION
HARVEST OF HOPE

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WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
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STATE OF WISCONSIN

MIGRANT EDUCATION HANDBOOK

FOR

LOCAL MIGRANT PROJECT DIRECTORS

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FORWORD

This guide is written, basically, for directors of local migrant projects to assist in planning and developing a project application, and implementing and evaluating the migrant projects for which they are responsible. As such, it may serve as a reference or checklist for mandated responsibilities and as an outline of good management practices. If used in this way, the guide should be helpful as an evaluative instrument to both new and experienced project directors who wish to assess their management practices.

The migrant education programs are funded through amendments to ESEA Title I and many of the same policies and guidelines apply to both programs. Until new regulations are made available covering Parts 116 and 116a, this program will be governed by the amendment, made by P.L. 95-561, the applicable sections of Parts 116 and 116a, Federal Register, Tuesday, September 28, 1976 (Part IV), Part 116d, Federal Register, Monday, November 13, 1978 (Part III), and the applicable sections of the General Education Provision Act, 1974, and the 1976 and 1978 amendments. Applicable Title I State Guidelines will also apply.

In addition to the directors of local migrant projects, all persons with responsibilities for implementing migrant education programs should be familiar with the rules and regulations for Title I and also the contents of this management guide. Obviously, not all questions can be anticipated and/or answered in a publication of this nature. Therefore, anyone who has questions related to migrant programs, please contact the state migrant education administrative officer, State Department of Public Instruction, 126 Langdon Street, Madison, WI 53702. Telephone (608) 266-2699 or the state migrant education supervisor (608) 266-9616.

Chapter I

INTRODUCTION

A. Background

Some of the more publicized products of Wisconsin's diversified ecomony tend to overshadow other areas of productions. It is well known that Wisconsin leads the nation in the production of dairy products. What may not be as well known is that Wisconsin is ranked first in crop production which includes snap beans, beets for canning, sweet corn, lima beans, cucumbers, cabbage and green beans for processing, hay and cranberries. Wisconsin ranks in the top five in the production of individual crops. For example, in the production of cranberries, Wisconsin ranks second; tart cherries, second; and cucumbers for canning, fifth. Specialty crops account for $120 million or about 20 percent of the state's total cash receipts from all crops, which total $596 million. Vegetable crops account for $183 million or 31 percent of total cash receipts. Field crops (i.e., grain, tobacco and soybean) make up 48 percent or $290 million of total cash receipts. Hay seed and other miscellaneous crops account for about $3 million or 1 percent of the state total of $596 million for crop cash receipts in farm marketing. Total agriculture-livestock receipts are $3.2 billion.(1)

The processing of agricultural products to provide food for our nation is for the most part a seasonal activity. Thousands of workers are needed for short periods of time to process crops. Local farm workers are not readily available.

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1. 1979 Wisconsin Agricultural Statistics. Page 9, Wisconsin Agricultural Reporting Service, Madison.

Migrant farm workers thus make a valuable contribution to the ecomony of the state. The part the migrant farm worker plays in the ecomony of Wisconsin is ofttimes overlooked by many and considered unimportant by others. Without migratory people working throughout this country, it would be difficult to feed the nation. Without them in Wisconsin, there would be a large dent in the economy. These people who come to help harvest and process the food crops for millions of people in this nation are part of the economy and should be recognized for their contribution. Educators are obligated to provide the best educational program possible for the children of these workers.

B. Migrant Children

When migratory workers move, so do their children. Following the harvests creats a lifestyle that is not conducive to the educational achievement of the children. Add the lack of residential stability to the factor of low socioeconomic status and the result is children who not only have unmet educational needs, but also lack basic life needs such as food, adequate clothing, medical and dental care.

A close look at migrant children reveals that the factors noted above are only part of the deterrents to educational achievement. Older children are often deprived of an opportunity to receive an education because they have too much work or stay at home to care for the younger members of the family. While low self-esteem and lack of motivation affects the learning of younger children, they can also cause an older child to become a school-pushout.

Moving from one school to another during the school year can be traumatic for children from different walks of life. What must it be like for children who move from school to school as their parents follow the crops? How can a child study when he or she must live in inadequate housing which by its very nature creates a poor environment for studying? How can a child be interested in education if he or she is hungry, does not have sufficient clothing, needs health care or has troublesome teeth? For a comprehensive look at the identified needs, objectives and activities aimed at promoting educational achievement among migratory children, refer to the State of Wisconsin's Statement of Identified Needs in Appendix A.

In more recent years, there has been a greater interest in the migrant worker and his family. Legislation has played a part in improved pay, safer and healthier living conditions and increased educational opportunities. While some headway is being made in resolving many of the problems associated with migrant families, much remains to be done. Hopefully, all educators working with migrant children in Wisconsin will strive to ensure a relevant and equal educational opportunity through a coordinated effort on the part of many individuals and agencies.

C. Migrant Education

The children of migrant farm workers are among the most educationally disadvantaged young people attending schools today. During recent years, considerable emphasis has been placed throughout the nation on the identification of migratory children and development of programs to serve their needs. The original attempts in Wisconsin to serve the needs of the migrant child date back to the early 1950's, and the ensuing years have been devoted to finding ways to expand and improve the services.

Many changes have taken place throughout the United States and in Wisconsin. This state has progressed from the early uncoordinated efforts of many groups and agencies with little or no available funds to provide services, to an era of federal categorical funding for educational programs. Educators, concerned citizens and politicians are striving to find ways of providing all citizens the opportunity to participate in equal educational opportunity programs.

It is customary to think of a school as a building located on a parcel of land that can be measured in acres, or a school district as a number of square miles that can be traversed in a relatively short period of time. Compare this to the entire United States, which could be the school district of the migrant child. For this reason, educators across the nation must work toward cooperative interstate and intrastate programs to assure the children of migrant families a continuous pattern of educational development wherever they may go. The U. S. Office of Education has already made significant progress in coordinating the migrant programs through the implementation of the Migrant Student Record Transfer System (MSRTS).

Title I of the Elementary and Secondary Education Act of 1965 is specifically designed to help educationally deprived children. It was amended by P.L. 89-750 in 1966 to include the children of migratory agricultural workers. Public Law 93-380 (Part 116d) of 1974 further amended it to include children of migratory fishermen and to require the use of the Migrant Student Record Transfer System. The latest amendment, P.L. 95-561 of 1978, will require further revisions (Part 116d).

It was during the summer of 1952 that the Department of Public Instruction (DPI) first became involved in a effort to provide services to the migrant child. Twenty-seven years later, with federal funds to provide educational services, a great many more people are involved. As more funds become available, efforts to increase and improve services have been foremost in the minds of the DPI staff members in the ESEA Title I Migrant program. The level of achievement depends on the personnel and the quality of programs implemented at the local project sites. This handbook has been designed to assist local and project agencies improve the quality of program implementation.

Chapter II

STATE AGENCY RESPONSIBILITIES

Unlike other ESEA Title I programs, the state education agency operates the migrant program and receives the funding for it. Projects may be approved for funding on the local (operating agency) level at the discretion of the state agency but there is no "entitlement" at the local level.

A brief description of the state agency's responsibilities is provided to help the project director understand the relationship between the two levels of administration.

A. Administrative Responsibilities

1. Plan Application. The Department of Public Instruction (DPI) will submit an annual program application based on national objectives to the Division of Migrant Education, United States Office of Education (USOE), for a program grant under Title I to conduct an education program for eligible migratory children. This application constitutes an agreement between the DPI and the USOE in which the state administration of the Title I migrant program agrees to:
    a. Identify areas in the state where migratory children are expected to reside, and the estimated arrival and departure dates.
    b. Provide a separate estimate of the number of eligible "currently migratory" and "formerly migratory" children expected to live or who are living in the state, explaining the method of arriving at the number and the method for identifying and recruiting.

c. Provide separate estimates of the number of eligible "currently migratory" and "formerly migratory" children expected to be served.

d. Conduct an assessment of the special educational needs of the migratory children. Make an accurate assessment of the linguistic backgrounds of these children and assure that a migratory child will not be prevented from benefiting fully from the services provided by the Title I migrant program because he or she does not speak English or has limited English language skills.

e. State objectives in detail, including performance criteria and how each objective will be achieved.

    (1) Describe each service, including estimated number of children by age, anticipated grade placement, and whether enrollment is to be in public or private schools.

    (2) Describe the inservice training for staff including types of training, types and number of staff and the frequency of participation.

    (3) Estimate the types and number of staff to be employed as well as facilities and materials to be used.

f. Describe how state program will be evaluated for effectiveness as required by Sec. 116.43.

g. Describe how compliance with the requirement of parent involvement according to Sec 116d.37(b) will be accomplished.

h. Describe how continuity will be assured in the educational program for migratory children through such programs as exchange of course credits, intrastate and interstate sharing of program planning, evaluation, curriculum and staff training materials. Also include the information to be shared other than through the Migrant Student Record Transfer System.

i. Describe the functions and list staff salaries the DPI proposes to charge to administrative funds under Sec. 116d.10(a).

j. Describe procedures to comply with dissemination of public information requirement according to Sec. 116.45.

k. Provide assurance that the DPI will transfer the educational records of the migratory children participating in the program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students).

l. List the agency or agencies designated to operate the state education program for migratory children.

m. Provide a detailed budget in form prescribed by the Commissioner showing estimated total cost of meeting the DPI's objectives, including the estimated cost of each service as described in Sec. 116d.32(e), an estimate of the unobligated funds available from the preceding fiscal year's appropriation and the amount of funds requested from the current fiscal year's appropriation.

n. Provide assurance that a state program will not be conducted through a local education agency that does not provide migratory children with access to state and locally funded educational facilities and services comparable to those provided to nonmigratory children living in the attendance area in which migratory children are being served.

o. Request approval to use, during the fiscal year covered by the application, any unobligated Title I migrant education funds made available to the Department of Public Instruction for the preceding fiscal year.

2. Amendments to Applications

a. The Department of Public Instruction agrees to submit to the Commissioner any proposed amendments for approval. Amendments will be submitted when:

(1) the Department of Public Instruction materially changes its administration of the approved state program including its organization, policies or operations.

(2) any information becomes available that is required by these regulations, but was not previously submitted, and,

(3) there are changes in the laws, such as appropriation laws governing the approved state program and the Commissioner indicates that an amendment is required because of these changes.

3. Title and Control of Property

   a. The Department of Public Instruction will maintain title to and control over all property that is acquired with its Title I Migrant education funds.

4. Maintenance of Fiscal Accountability

   a. The Department of Public Instruction will maintain fiscal records of all grant funds and insure that funds are used as intended in the legislation. Rules that prohibit the imprudent, wasteful or extravagant expenditure of ESEA Title I Migrant funds will be found in Chapter III, C, 4.

5. Complaint Resolution Procedures

   a. The Department of Public Instruction will make available to each operating agency the complaint resolution procedures it will use to reslove complaints regarding Title I Migrant education projects including those projects which operate for fewer than 60 days.

B. Coordination Activities

The DPI will administer the act (PL 95-561) coordinating the state program and local projects with other federal programs, such as regular Title I, Comprehensive Employment and Training Act (CETA), Vocational Education Act, United States Department of Agriculture (USDA), Public Health, Child Development, and all other State, Federal and local programs that provide funds or services for migratory children within the state.

C. Approval of Local Project Applications

The Department of Public Instruction will review and approve applications of operating agencies that comply with P.L. 95-561, and sections 116 and 116d of the federal regulations, conform to the state program approved by the Commissioner and include in the application acceptable information, described and assurances as follows:

1. A description of the project to be carried out by the operating agency.
2. An explanation of the relationship between the project and the state program.
3. The objectives to be achieved for each grade group.
4. Estimates of:
    a. Number of eligible migratory children living in the area to be served by the project.
    b. Number of children who will be served. If it is proposed in the application to provide migrant education program services, other than the identification and recruitment of children and the transfer of records, to fewer eligible school-aged migratory children than the number of these eligible children living in the area, an explanation must be included.
5. A description of each service to be provided and its estimated cost.
6. The types and number of staff to be employed.
7. A description of how parents were involved in the planning and how they will be involved in the operation and evaluation of the project. An explanation of how the advisory council was established, how the council's views will be considered in the operation and evaluation of the present project and

the planning of future projects and the composition of the membership of the council.

8. A description of how the operating agency will assure the Department of Public Instruction that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills.

D. Project Monitoring

The DPI will monitor approved projects in accord with the state plan (Federal Register Sec. 116d.7). Reviews will be conducted on site for compliance and effectiveness during the operation of the project.

A monitoring instrument will be completed by the individual making a review of an operating project. The areas and topics to be included in the review are stated on the monitoring instrument included in Appendix E. Each project director should become familiar with the contents of the instrument and be prepared to produce the information requested.

E. Technical Assistance

The Department fo Public Instruction, Title I Migrant Unit, will provide forms, applications and guidelines. The Department will also distribute copies of available Federal Rules and Regulations. It will process all matters related to migrant education programs in Wisconsin school districts and other operational agencies to provide educational services to the migrant students.

Because of its experience, the DPI may be able to give considerable help to those planning a migrant project. Such help would include establishing priorities, setting criteria for conducting several components of the program, curriculum development and/or modification, responding to special needs in health and diet, and total project development. This assistance would apply especially to those local agencies that are new to the process of developing migrant education projects. The Title I Migrant Education Supervisor will respond to your requests in writing, phone, or site visits depending on the needs.

F. Inservice Training of Staff

It is often emphasized that migrant children have special needs. To meet these needs and help the staff prepare adequately, a carefully structured inservice training program must be developed and conducted.

Preparation begins with the inservice training of the administrative/supervisory staff who will conduct the migrant education projects. Workshops to help those conducting projects will be conducted by Department of Public Instruction staff.

The inservice training workshops will include such topics as: rules and regulations, the Migrant Education Handbook, fiscal accounting, recruiting, the Migrant Student Record Transfer System (MSRTS), planning or inservice training programs for project staff and developing parent involvement activities.

As a result of the workshops, all members of the administrative/

supervisory staff should fully understand the duties and responsibilities of the Department of Public Instruction migrant education staff as well as their own duties and responsibilities for effective operation of a migrant education project.

G. Eligibility of Children

Determining the eligibility of a child to participate in the Title I-migrant program is best approached by considering the following factors:

1. Child's change of state or school-district residence due to;
2. Kind of occupation sought or secured by parents by such change of residence;
3. Date of child's and Parent's arrival in the state and school district for the above reason;
4. Time frame in which parents are active in a qualifying occupation;
5. Age of child (birth through age 21) during the above factor; and,
6. Making a written record of the above factors.

Additionally, paragraph 116d.12 (Child Eligibility) of the regulations states that:

> An SEA or an operating agency shall not count a child under 116d.12 (to increase LEA project funding or SEA program funding) or provide program services to that child until the agency has:
>
> (a) Determined that the child is either a currently or formerly migratory child, as defined under 116d.2; and
>
> (b) Made a written record of the basis on which the child's eligibility was determined.

> In determining eligibility, an SEA or an operating agency may rely on credible information from any source, including that provided by the child or his or her parent or guardian. An SEA is not required to obtain documentary proff of either the child's eligibility or civil status from the child or his or her parent or guardian.
>
> (20 U.S.C. 241c-2; 1232c(a); 1232c(b))

Only the children, as defined in 116d.2 (definitions), of migrant parents who are or were in the past 6 years employed in temporary or seasonal agriculture, fishing or related food-processing activities (see 116d.2) are eligible for service, under the Title I, ESEA migrant education program. Furthermore, a child whose total six years of eligibility will expire after enrolled and attending a specific migrant project, may continue to participate in the specific project services until they are completed. At the termination of that specific project, however, the child may not be reenrolled again unless another qualifying change of residence occurs to establish an eligibility status of interstate or intrastate, i.e., currently migratory.

H. Migrant Student Record Transfer System (MSRTS)

Participation in the MSRTS is required by law and regulation. The following description of the system should help understand its importance and how it works.

MSRTS is comprised of two important components: persons involved with educating migrant students and a national computer network with a Central depository in Little Rock, Arkansas.

The nationwide telecommunications network offers a method of exchanging educational and health information between locations where migrant students were served. This data is transferred on two standardized forms--Uniform Migrant Student Educational Transfer Form and the Uniform Migrant Student Medical Transfer Form. An MSRTS School User's Manual is available for all personnel involved with migrant education to effectively translate, interpret, utilize and update the migrant student records. A separate, shorter Health Provider's Manual is also available for school nurses or other agencies providing health services and MSRTS services to migrant children. Procedures for maintaining and mailing these MSRTS Transfer Forms are included in Appendix K .

Why is there a need for a communications network such as the Migrant Student Record Transfer System (MSRTS)? Before MSRTS was established in 1969 through Title I of ESEA, educators working with migrant children were generally unable to obtain and exchange accurate, complete up-to-date records on children due to their rapid mobility. Typically, children would arrive without records from previous attended schools. Consequently, improper grade placement, constant retesting, and duplication of services often resulted. MSRTS helps rectify these problems by providing data services to migrant education personnel nationwide so that appropriate services can be planned for the nation's migrant children.

The system exists for the purpose of maintaining accurate and complete records on the health and educational status of migrant children, assuring the rapid transmittal of the data, and assisting in the appropriate use of the data.

More than 500,000 children of migrant farmworkers and fishermen in the United States and Puerto Rico benefit from the Migrant Student Record Transfer System annually.

The benefits provided by the MSRTS begin at the local level in the form of recruitment. One result of the cycle of MSRTS services is management data which contributes to the recruiting process by locating eligible families not being served.

Once the child has been identified, he can be enrolled in a project school where a needs assessment is done. If he has been in the program before and the computer has a profile on him, his information is sent to the enrolling school to assist personnel in determining his academic and health status for placement in the correct learning environment. If no profile exists, the enrollment process will begin a computerized record with subsequently recorded data made available to other enrolling schools. Data, whether academic or health, is initially submitted by the school personnel to a terminal (data entry) operator (T.O.) who is in direct contact with the computer in Little Rock.

Of utmost importance is the privacy of data concerning the migrant child. The design of the MSRTS has taken into account every conceivable consideration to ensure the preservation of this privacy. No data is released to anyone other than authorized recipients. In addition to the immediate use afforded teachers and health personnel by the student's printed record, valuable management data is extracted and summarized for utilization by federal, state, and local administrators.

Since its inception in 1969, MSRTS has benefited both the migrant children and those concerned with these children's education. The educational opportunities of migrant children have more continuity since teachers are provided a more accurate academic history. Administrators have found MSRTS to be useful in planning curriculum for migrant students and coordinating activities with other schools that the children attended. Teachers are able to take into consideration the child's special interests and prior instruction received through special programs. In MSRTS, nurses have found an invaluable tool for identifying health problems and providing the necessary health services.

MSRTS can only function to its fullest potential if there exists proper communication and cooperation at the local, state and national levels. The primary responsibility must be assumed by local personnel since it is they who enter all data into the student records.

With the inclusion of the National Migrant Education Skills Information System relative to reading, mathematics, oral language and early childhood education in the data bank, the system incorporates a new dimension.

At the present time there is only one terminal in Wisconsin for transmitting migrant education data and it is located in the migrant education office of the Department of Public Instruction. The influx of migratory children during a short period of time during the summer months tends to overload the terminal. Therefore, it is imperative that enrollments, withdrawals and the MSRTS forms to be processed reach the terminal operator on a continuous flow basis. Every effort will be made by the Department of Public Instruction to prevent the accumulation of these reports at the local level. Administrative and staffing provisions for processing "Final Copies" of the MSRTS forms (see Appendix K) after the project ends should be well planned so that the project's MSRTS files at the LEA and SEA can be properly closed. Each individual who is responsible for forwarding reports to the terminal operator should do so on a daily basis until all reports have been forwarded. The requirement to transmit additional data will tax the capabilities of the one terminal. Cooperation is vital to this operation.

Further information on the use of the MSRTS will be discussed in Chapter IV - Program Implementation.

I. Fiscal Accounting

In the migrant education program the Department of Public Instruction is the grantee. In essence, the state has a similar role to that of the local educational agency in conducting several components of the program. One of the components for which the state is held directly responsible is that of fiscal accounting. The Department of Public Instruction provides the forms, instructions and inservice training to operating agencies for proper fiscal accounting. The nature of the program, which must be flexible to adjust to such things as changing numbers of staff, student costs as well as many other variables, demands continuous review of the budget. A major problem is that of securing approval before expenditures are made.

This requires close cooperation between the state office and the operating agency.

A second major problem is failure to close the fiscal accounting soon after the termination of a project. The requirement is that the fiscal accounting be completed and reported to the Department of Public Instruction Title I fiscal office within 60 days of the termination of a project. This requirement will be enforced.

The migrant program, like all other Title I programs, requires that a fiscal report be made to the Congress by the Migrant Division, U.S. Office of Education. Tardiness in completing fiscal reports at the operating agency level delays the state's reporting. This reflects on the efficiency of the operation and cannot be tolerated.

J. Evaluation

Effectiveness of a program is of vital concern to members of Congress, the U.S. Office of Education, the Wisconsin Department of Public Instruction, those involved in conducting the projects as well as those who do the "hands-on" work instructing migratory children. This effectiveness is determined through evaluation. While there is a structured format for each project to report the results of student achievement, the Department of Public Instruction also conducts an evaluation involving staff and parents during a one day meeting prior to the close of the projects. The information gathered becomes a part of the overall evaluation scheme. A composite state evaluation report, which is a program requirement, is forwarded to the Division of Migrant Education, U.S. Office of Education.

Chapter III

PLANNING AND DEVELOPING A PROJECT

A. Steps to Successful Applications

The State of Wisconsin has records showing where the migrant work camps were in the past year and information is available showing where camps will be in the coming year and where there will be a need for migrant education programs.* However, a change in crops or the closing of a canning company may result in the need for projects to be located in other areas, or be reduced or increased in numbers. Similiar situations may have an impact on those migrants who remain into the fall or who are classified as formerly migrant. While emphasis will be placed on serving currently migratory children, the steps of planning a project and developing an application will apply both to the summer, and to the school-term migrant projects serving currently or formerly migratory children.

Before actually planning a project, it is imperative that all needed resources are made available to the committe planning the project and developing an application. The program director responsible for collecting and organizing resources should consider the following activities:

1. Become familiar with the contents of this handbook.
2. If planning a migrant education project is a new experience, seek technical assistance from the Department of Public Instruction, Title I migrant unit.

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*See Appendix L, Wisconsin Migrant child population by County and age.

3. Maintain contact with growers, processors, recruiters and school districts to estimate the number of students who are eligible for Title I migrant education services.
4. Establish a migrant education parent advisory council.
5. Collect data to conduct needs assessment by:
    a. Reading national goals for migrant education.
    b. Reading the state application Statement of Identified Needs (See Appendix A).
    c. Reviewing past evaluations and needs assessments made by migratory children served in local or district projects.
    d. Surveying the resources of the district for supporting a migrant education project taking into account supplementary services that are being provided through other state and federal funds.
6. Establish performance objectives to be achieved for each grade group.
7. Determine services that should be provided to meet objectives.
8. Establish priorities for services within parameters of available funds, facilities and other human and material resources available to migratory children from other agencies.
9. Determine the availability of facilities for conducting a migrant education program.
10. Plan staff recruiting to operate the project.
11. Read the procedures used by the Department of Public Instruction for resolving complaints.

With all needed resources available to the parent advisory council, the project director should proceed to plan and develop a project which is described in a project application.

The Title I-Migrant Application for funds to conduct the project must be completed according to the Title I-Migrant Application Guide and submitted to the Department of Public Instruction, Title I Migrant Unit (See Appendix C).

After approval of funds to conduct the project has been granted by the state migrant education administrator, the project director can proceed to implement the project as planned, developed and approved.

B. Project Development

1. Parent Advisory Council (PAC)

The activities necessary to develop a project must give consideration to individuals and the proper sequence of events. The first step is to establish an advisory council. The advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by that project.

Through the state application submitted to the Office of Education, an assurance is made that effective parental imvolvement is established throughout the state.

In response to this assurance, the local migrant project application shall include:

a. Names of the members of the PAC who were involved in the planning, how they were involved and how they will be involved in the operation and evaluation of the project.

b. Methods of cooperation, with the DPI's technical assistance, in the formation and use of PACs.

2. Needs Assessment

When the state migrant program administrator prepares the statewide plan to be approved by the Commissioner, U.S. Office of Education, it is necessary to identify statewide needs as a base for program development. A need is that gap or distance between the present condition and a future condition deemed acceptable. A needs assessment gives direction for the development of program goals and objectives; program activities are developed to accomplish the stated program objectives. Using the national goals and the identification of needs as presented in the state application and local resources as reference points, and with the advice of the migrant program parent advisory council, the local project director should formulate the specialized individual needs for the children to be served. It will be necessary to work cooperatively with the DPI migrant staff to assure consistency between the statewide generalized needs and local individualized needs.

3. Stating Objectives

From the identified needs, the local project director shall establish local goals and priorities and then proceed to a statement of specific local performance objectives. A goal is usually a general statement of the long-term aspirations or far-reaching results that one might hope to reach or come close to reaching, and is seldom stated in measurable terms.

An objective is a statement which reflects a specific, proposed change or outcome in terms of measureable improvements that are expected to occur because migrant children were involved in a special project designed to meet their needs. Objectives are ususally capable to being accomplished within a specific time frame. A stated objective should clearly indicate a proposed reduction or elimination of local individualized needs of the migrant children. Clearly stated objectives of anticipated performance facilitate the selection of appropriate materials and methods to meet the objective(s) and provide a guide for the student and teacher to evaluate performance.

4. Developing a Plan to Achieve Objectives

Title I migrant projects should use the approved state migrant program as a guide for organization and planning. To achieve objectives, a plan should include a series of specific, clearly stated activities that will contribute to the desired change which can be measured and evaluated. Objectives to be achieved must be stated for each grade group.

Each service to be provided must be described and the estimated cost to conduct the service must be stated. The description must include the number and types of staff to be employed.

A plan to achieve the objectives must also describe how eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills. Providing for the needs of all eligible migratory children will be a governing factor in the recruitment of staff.

In addition, a plan should include any supportive services (health, food, etc.) which the survey of children's needs has identified as being necessary to achieve the academic needs as stated.

Cooperation with other agencies and institutions that have resources to assist with the achievement of the objectives of a project should be clearly outlined with the services to be performed. Any agreements or contracts with other agencies or institutions should accompany the project plan.

5. Resources

While the needs assessment is being conducted, there should also be a survey of the resources which could be used to support the program.

During the regular school year consideration should be given to changes that may need to be made in the structure of the curriculum to meet the needs of migrant students. Other changes may be made to effectively use staff who possess a unique resource -- the ability to instruct children who do not speak English or have limited English language skills. This staff should be involved early in developing and implementing changes.

When planning the summer project, the staff should be surveyed to determine professional personnel qualified to assume the role of migrant student instructor and to determine the number of bilingual staff that are needed. The same determination should be made for paraprofessional and instructional aides.

Some staff members may need to receive training in relating to migrant children and programs. The survey may also indicate other staff needs that might be addressed.

Availability and talents of aides should also be reviewed. These positions are valuable in making the migrant program work.

Finding facilities to house migrant education programs during the summer months is a recurring problem in some parts of the state. The DPI Title I Migrant office should be kept informed of any problems encountered in trying to obtain classroom facilities.

6. Program Emphasis

The migrant program provided must be primarily for "currently migratory" students during the summer and regular school terms rather than the "formerly migratory" (five-year) students. Formerly migratory children may participate in projects which include currently migratory children or may participate in projects developed solely for such formerly migratory children. Formerly migratory student participation must not prevent the participation of currently migratory children nor dilute the effectiveness of programs for such children.

Consideration should be given to providing services to meet the special educational needs of preschool migratory children. Such services are to be limited to children who are under the age at which public elementray education is provided under law. The instruction is to be comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not primarily designed for custodial purposes. Also, the instruction is to be conducted by or under direct supervision of a person who is qualified under state law.

7. Supporting Services

The assessment of needs should include such items as food, health care, welfare or other supporting services to be funded through Title I Migrant education funds. The use of the funds must be limited to the supporting services which are necessary to enable eligible migratory children to participate effectively in the instructional services.

Supporting services may be provided with Title I migrant funds _if_ these services are necessary to enable eligible migratory children to participate effectively in instructional services. Day care services _may_ be provided to eligible preschool and school-aged migratory children _only_ as a supporting service and _only_ with the specific approval of the Commissioner, USOE. The Department of Public Instruction will include such a request in its state application. The assistance of the operating agency in providing the DPI with information as to availability of supporting services from other sources, need for such services to free migrant children to attend school, anticipated number to be served, cost, and the anticipated results of these services in making it possible for other children to attend school will be needed.

Assistance may be available from other sources. Suggestions may be found in paragraphs 8 and 9 below. (See Appendix D, Federal Register Vol. 43, No. 219, Sec. 116d.38, November 13, 1978.)

8. Intra-agency Coordination

Primarily, the DPI establishes and maintains coordination with all agencies represented on the State Advisory Committee for Migrant Education Programs. However, the local migrant project director has the following responsibilities for interagency coordination at the local level:

a. Cooperate with the state migrant office on the work of the State Advisory Committee.

b. Use all resources and services which have been made available through the state migrant program administrator's efforts in interstate agency coordination.

c. Establish a local interagency advisory committee.

d. Attend state workshops relating to interagency coordination.

e. Utilize available services from other agencies (i.e., Rural Manpower, Department of Industry, Labor and Human Relations (DILHR), Health and Social Services, United Migrant Opportunity Services (UMOS).

f. Coordinate the migrant program with ongoing school services to eliminate duplication of effort.

g. Include topics on effective interagency coordination during pre-service and inservice meetings.

9. Interstate Coordination

In compliance with USOE guidelines, the DPI includes in its annual program application a plan for interstate coordination. In turn, local project directors assume responsibility for:

a. Assisting the DPI with its cooperative efforts.

b. Utilizing the MSRTS.

c. Recommending personnel to attend regional and interstate meetings and conferences on migrant education.

d. Assisting DPI in the coordination of Day Care Services program with the Texas Migrant Council (TMC).

10. Complaint Resolution Procedures

The law and regulations prescribe what is required to be included in the state's plan for resolving complaints. Provisions have been made for resolving complaints regarding Title I Migrant education projects that operate for fewer than 60 days.

The local project director can perform a valuable service in this area by developing a plan to resolve complaints at the local level. Using the state procedures as a guide, a plan should be developed an included in the application to reslove complaints at the local level. In the event a complaint cannot be resolved at the local or operational level, an appeal could be made to the state administrator of the Title I Migrant education program.

Chapter IV

PROJECT IMPLEMENTATION

A. Steps to Effective Implementation

The application has been approved for funding. The time is not far off when the migratory children will be arriving and the proposed project must be put into operation. Several activities must take place before the children arrive, during the implementation of the project, and after the children have left. A checklist of activities believed to be helpful follows:

1. Recruit staff to fill all positions included in the approved application.
2. Conduct inservice training workshops.
3. Identify and recruit migratory children to receive Title I Migrant services described in the approved application.
4. Coordinate provisions for supporting services with agencies having major responsibilities.
5. Set up accounting procedure to ensure efficient fiscal management.
6. Have operational plan for gathering and transmitting all data to be included in the Migrant Student Record Transfer System.
7. Make the local plan for monitoring the project available to all interested parties.
8. The evaluation scheme should be made available to those responsible for providing information to evaluate student achievement.
9. Be aware of all reporting requirements and times when reports are to be forwarded to the Department of Public Instruction, Title I Migrant unit.

10. Inform staff of plan for dissemination information.

B. Implementation Procedures

1. Recruiting and Developing Staff

A migratory child shall not be prevented from benefiting fully from the services provided by the Title I Migrant education program because he or she does not speak English or has limited English language skills. While there are no restrictions on the number of monolingual or bilingual staff members to be employed, it is imperative that there be an appropriate ratio to meet the educational needs of the migratory children. The recruitment of staff refers to both teachers and teacher aides.

Ability to teach or serve as a teacher aide does not imply that an individual can be most effective in all situations. Therefore, each LEA or operating agency project will be required to conduct an inservice education/training program for staff members. It will be necessary to determine the most effective way to meet the objectives of the project. In addition, there are a number of activities associated with a summer migrant education program that need coordination. As projects become more and more involved in the implementation of the MSRTS "skills programs" being prescribed for migrant education, the scope of inservice training will broaden.

The inservice training program must include the professionals, the aides, and the volunteers. Inservice expenses are appropriate and should be built into the project budget. Such programs should be started before the arrival of the children with additional sessions while the project is in process.

It is recommended that the project director review the plans for inservice training with the state migrant education consultant. These state officials have special expertise which will enable them to help the project director with the training program.

2. Student Identification and Recruitment

This management function involves:

a. Establishing procedures to identify eligible migrant children.

b. Completing the Identification/Recruitment form provided by the Wisconsin Department of Public Instruction.

c. Using all possible means in locating and identifying eligible children.

d. In carrying out this identification and recruitment function, the local project director shall:

    (1) Establish a local procedure for determining the eligibility of migrant children.

    (2) Document, record (on the Identification/Recruitment form), maintain, and use these records to insure the eligibiltiy of all children being served by the project.

    (3) Keep the project staff informed on changes in eligibility and otherlegislative provisions concerning the project.

    (4) Maintain working relationships with DPI, using technical assistance available for recruiting and identifying eligible migratory children.

(5) Hire staff, as needed, to perform the identification and recruitment function.

(6) Enroll students through the MSRTS and promptly transmit updated information daily.

(7) Use the MSRTS as a means of insuring maximum enrollment of eligible children.

(8) Keep in contact with local and state agencies to facilitate the identification and recruitment of eligible children.

(9) Assist the DPI in validating identification and recruitment procedures.

3. Supporting Services

Most professional educators realize that student achievement and social adjustment are affected by many factors other than the educational program. A student cannot be expected to achieve academically if he is deprived of the basic needs. Therefore, in the implementation of the migrant education project, it may be necessary to provide some of the supportive services that were considered in the planning of the project. In the State of Wisconsin, it is customary to provide most, if not all, of the following services:

a. Breakfast and lunch.

b. Dental and medical checkups with appropriate follow-through treatment and care.

c. Opportunities for cultural enrichment.

d. Purchase of personal school supplies.

e. Clothing where necessary for school attendance.

It is recommended that the student record for the Migrant Student Record Transfer System be studied prior to providing medical or dental services. If needs other than those listed above are identified, the LEA or project administrator should contact DPI prior to making expenditures.

A project should not be implemented if provisions have not been made previously to provide the supportive services listed above.

Coordination must be maintained with agencies funding services to the project providing day care services. The director of each operating agency will be held accountable for any Title I Migrant funds expended in support of day care services which have been approved. The expenditures and the purpose must be included in the application.

4. Fiscal Management

All local project directors shall provide through the project application a written assurance that migrant funds for local programs and/or services will be used in accord with the procedures established in the state application.

DPI approval of a local project assumes that the project director shall:

a. Maintain the following:

    (1) Financial management procedures that conform to Federal, State and local requirements.

(2) Fiscal records including documentary evidence of income and expendutures of all Title I Migrant funds.

(3) Project records for a five year period before destroying.

(4) Audit records.

(5) An inventory of all equipment purchased with Title I Migrant funds.

b. Submit the following:

(1) Expenditure reports.

(2) Final report within 60 days of closing project.

c. Implement the following:

(1) Staff development plan to insure fiscal management practices as required by DPI and local policies.

(2) Procedures in compliance with regulations concerning avoidance of imprudent, wasteful, extravagant or improper expenditures of funds and avoid the use of Federal funds to supplant state and local effort.

(3) Fiscal procedures and guidelines for use by operating agencies and LEA's.

5. Use of Migrant Student Record Transfer System (MSRTS)

The MSRTS serves as a vital link in the operation of migrant education programs. The Department of Public Instruction and the local education agencies (LEAs) or operating agencies have specific responsibilities for storing accurate information in the computer and using information available from the computer which has been gathered and stored from several sources. (See Chapter II, State Agency Responsibilities, for background information.)

Accordingly, each project director of a local project shall:

a. Submit to DPI any recommendation for improving the quality of service of the MSRTS.

b. Keep the local migrant staff informed of guidelines and procedures regarding MSRTS.

c. Budget funds necessary to effectively support MSRTS operation for the project.

d. Implement recommendations made by DPI which are made to improve the service of MSRTS.

e. Make personnel available for training.

f. Develop procedures for promptly collecting and transmitting data for storage in MSRTS.

g. Insure confidentiality of MSRTS data.

h. Monitor the operation of MSRTS at the project level.

Local personnel can significantly enhance their teaching methods by using the MSRTS records properly. Thorough recording of necessary information will insure that the next school receives a useful record. Effective local participation results from proper MSRTS orientation and reinforcement from the state level. With appropriate leadership and cooperation at the national level, the goal of migrant education will be more nearly realized.

A School User's Manual of the MSRTS should be available for detailed reference in the office of the project director. If you do not have one, contact the state migrant education office.

6. Monitoring

In the state application for migrant education, the DPI establishes monitoring procedures for local projects. It is incumbent upon the local project director to:

a. Facilitate and cooperate with DPI in its monitoring responsibility.

b. Provide the DPI with reports on the steps taken to assure compliance with state and federal rules and regulations.

c. Use DPI's TI-M on-site monitoring form as one method of monitoring at the local level.

d. Respond in writing to DPI reports of on-site visits which involve the need for corrective action.

7. Evaluation

This is an essential and continuous process done consistently to identify the cause and effect relationship, and to identify the relationship between what the teachers do and how the children respond. Evaluation provides the means by which the project directors keep themselves and other interested parties apprised of the effectiveness of the project and the extent to which it is meeting the established objectives, goals, and needs of the program. It is an indicator of the quality of instruction and the methods and materials used.

Although elaborate research-oriented assessment designs are not required, all project directors must assume responsibility for an evaluation that goes beyond casual teacher observation to indicate the impact of services to migrant children.

As a commitment to the importance of evaluation, local project directors will include the following in their project design:

a. A formalized plan for evaluating the project in accordance with DPI requirements.

b. Pre- and inservice meetings with staff that deal with project evaluation.

c. A procedure for gathering data which is needed by DPI for its program evaluation.

d. Meetings with appropriate personnel to interpret any evaluation feedback from the Office of Education or the DPI.

e. A written evaluation report to the DPI (See Appendix B).

8. Reporting

To conform with the rules and regulations of Title I, the DPI has a uniform reporting system for all agencies that conduct migrant education programs. (A list of reports and the schedule of dates is in Appendix F.) All migrant projects are, therefore, expected to:

a. Maintain a system for reporting information to the DPI.

b. Submit all required reports to the DPI using appropriate forms provided by DPI.

c. Participate in pre- and inservice meetings relating to reporting requirements.

d. Disseminate general and pertinent project information to Parent Advisory Council (PAC's), other interested agencies and to the local community.

e. Submit all final reports within sixty days of completion of the projects.

9. Information Dissemination

Usually, exemplary projects and techniques are limited to those directly involved in their implementation unless the project has in its design a method for disseminating information. Therefore, a local migrant project shall establish procedures for disseminating pertinent information on successful methods and techniques.

Unless a project has in its design a method for diseminating information, any exemplary methods or techniques are limited to those directly involved with their implementation. Therefore, local migrant project directors shall:

a. Establish procedures for disseminating pertinent information on successful methods and techniques, and plans for this procedure should be incorporated in the project description.

b. Arrange exchange visits among projects to observe promising teaching practices.

c. Document particularly successful phases of the project for statewide and interstate dissemination.

d. Review and recommend materials to be developed by the project staff.

e. Make available official documents and project-related information to interested parents and agencies.

APPENDIX SUMMARY

A. Statement of Identified Needs, Objectives and Activities

B. End-of-Project Evaluation form

C. Title I-Migrant Application form and Application Guide

D. Federal Register Vol. 43, No. 219 - November 13, 1978

E. On-site Monitoring form

F. List of Reports and Due Dates

G. Calendar of Annual Migrant Education Events

H. Wisconsin Agricultural Crop Calendar and Map

I. Definitions

J. Acronyms

K. Recommended MSRTS Maintenance-Mailing Procedures

L. Wisconsin Migrant Child Population by County and Ages

M. State Title I Staff Directory

N. State Parent Advisroy Council By-Laws

STATE OF WISCONSIN TITLE I MIGRANT, ESEA

STATEMENT OF IDENTIFIED NEEDS, OBJECTIVES AND ACTIVITIES

I. IDENTIFICATION AND RECRUITMENT

NEED:

1. Identify, locate, and enroll migratory students in an educational program in the school districts where they may reside.

OBJECTIVES:

1.a. An exerted effort will be made by all those directly involved, i.e., project administrators, school/community liaisons, school principals, social service agencies, etc. in the identification and recruitment process of migratory students during FY 80-81.

1.b. The project administrators will solicit information from United Migrant Opportunity Services, Inc., United States Department of Agriculture (U.S.D.A.), La Clinica de Campesinos, Rural Manpower Services, Public Health Nurses (by county), Growers' Association, Department of Health and Social Services (Regional Offices) as well as Community Action Agencies in the state, in assisting the Title I-Migrant Programs to identify migrants in non-participating school districts, employment offices and agri-businesses.

ACTIVITIES:

1.1.a. The State Supervisor/Consultant, State Migrant Education Administrative Assistant, Project Administrators and local/project-site coordinators will ensure that the recruitment activities are conducted effectively.

1.1.b. All identified migratory children will be enrolled in the MSRTS.

1.1.c. Assistance will be solicited from community based organizations, parent advisory councils and teacher aides in the recruitment of migratory children.

1.1.d. In-service training will be provided to all personnel responsible for recruiting migratory students prior to and during the recruiting period.

1.1.e. Information at the local, state and national level will be documented as required, for the purpose of enhancing recruitment of migratory students.

1.1.f. The state migrant education staff will coordinate the enrollment of migratory children in an educational program with other migrant-serving agents.

1.1.g. Data will be screened, documented, and reported to the State Supervisor/Consultant in order to facilitate the different planning and implementation phases of educational programs.

1.1.h. Effective communications between LEAs and the eligible/constituency/communities, will be developed in order to augment parental involvement, thus ultimately improving the school attendance of migrant children. This will become a part of the LEA application.

II. INSTRUCTIONAL SERVICES

NEED:

1. Acquire ability to communicate through a language development that utilizes the native language of the child.

OBJECTIVES:

1.a. To increase the migratory child's academic growth in language development one month for each month of instruction.

ACTIVITIES:

1.1.a. Every child's level and/or rate of performance in reading and other communicative skills will be recorded and evaluated upon entrance into a Title I Migrant Program. The migratory student will then be placed in appropriate supplementary instruction.

1.1.b. Professional or certified staff members with the necessary skills and sensitivity in the realms of bilingualism and multiculturalism will ensure appropriate supplementary instruction.

1.1.c. Individualized instruction in the areas of language and reading will be provided to insure that each child progresses at his own rate, according to his abilities, via, the utilization of approaches such as:

- i.a. Instruction to children in their native language, particularly to monolingual Spanish speakers, using ESL techniques to facilitate the learning of English.
- ii.b. The utilization of bilingual/bicultural teachers and instructional aides when dealing with bilingual and/or monolingual (Spanish-only) children.
- iii.c. The utilization of school-made and commercial learning packets that are culturally and linguistically relevant.
- iv.d. Bilingual/bicultural tutorial services, as needed.
- v.e. Initiate bilingual/bicultural methods as a vehicle for instruction of Spanish-speaking migratory students.
- vi.f. Direct instruction to fit the needs of children in order to bring forth successful experiences.
- vii.g. Solicit expertise from people with other resources.
- viii.h. Purchase bilingual/bicultural material from sources such as Spanish Curriculum Adaption Network for Bilingual/Bicultural Education.

ix.i. Educational technological innovations such as New Century Reading Laboratories may be utilized as vehicles for instruction.

NEED:

2. Acquire and enhance the basic and necessary mathematical skills.

OBJECTIVES:

2.a. Title I migratory students enrolled in math courses in Wisconsin will acquire the necessary mathematical skills at the achievement rate of one month's growth for each month in the program.

ACTIVITIES:

2.2.a. Every student's level and rate of performance in arithmetical skills will be examined and recorded upon enrollment in a Title I Migrant Project with the state.

2.2.b. Individualized and small group instructional activities in mathematics will be rendered via, such approaches as:

- i. Instructional-aide assistance in reading and discussing numerous ideas and concepts as prescribed by the responsible teacher.
- ii. Mathematical drills and practices, through the use of math games and math projects, under the guidance of instruction.
- iii. Individual tutoring for Title I migratory students, when needed.
- iv. Individualized instruction through the use of learning packets.
- v. Expansion of experience through excursions, field trips, films, filmstrips, books, periodicals, VTP equipment, cassette tapes, etc.

2.2.c. Implement pre, continuous, and post-assessment (when possible) techniques in order to evaluate realistically migratory students and program progress.

NEED:

3. Implement oral language, reading, mathematics and early childhood skills programs.

OBJECTIVES:

3.a. Provide technical assistance to operating agencies to assist them to participate effectively in the skills programs.

ACTIVITIES:

3.3.a. Personnel representing operational agencies and state migrant education staff will attend necessary MSRTS Skills inservice trainings provided by Little Rock.

3.3.b. Training of additional operational agency and state migrant staff members will be coordinated by the Title I-M consultant/supervisor.

3.3.c. Participation in the program will begin at the earliest possible date.

3.3.d. Teachers will be trained to use the skills in their instruction and to properly record the results.

3.3.e. Training in the use of the skills programs will be performed by the State Title I-M consultant/supervisor. A summer consultant and a T.E.A. Interstate cooperation project assistant will assist in providing technical assistance in this area.

3.3.f. The skills data will be transmitted through the MSRTS according to perscribed procedures.

NEED:

4. Determine educational and supporting needs of each child at the LEA or operating agency.

OBJECTIVES

4.a. Conduct assessment using appropriate instruments available in the areas of educational and social needs.

ACTIVITIES:

4.4.a. Needs Assessments will be conducted in every operating agency as a part of the process to develop Migrant Education for 1980-81. Parents, children, teachers, and aides are to be involved in this activity. A similar assessment is to be made by the State to determine content and priorities.

4.4.b. Cognitive, affective, and psychomotor needs will be entered by grade level and described in each operating agency Application, including summer and school year applications.

4.4.c. Instructional areas by grade level will be entered in each operating agency application. Methods and approach to accomplish the cognitive, affective, and psychomotor needs will be a part of each operating agency application.

4.4.d. The operating agency applications will also include the social and health needs for participating students, with a description of these needs.

4.4.e. Instructional areas by grade level will be identified at the LEA Level, will reflect the State criteria and priorities and will be submitted as a part of the LEA Application.

4.4.f. Special attention will be paid the Title I application submitted by operating agencies during the regular school year who may have a Title I-Migrant eligible population. Reviews will be made of Title I needs assessments in those school districts with concentrations of migratory families to determine if there are unmet needs of the eligible population.

III. SUPPORT SERVICES

NEED:

1. Supporting services that promote better health and augment health awareness through health education including nutrition, adequate clothing, dental and other medical services.

OBJECTIVES:

1.a. Examine all eligible migratory students in Wisconsin to determine need for health care. Examinations will be made by either the regular school nurse or the Title I Migrant nurse, to determine the student's physical needs, including health and nutrition.

ACTIVITIES:

1.1.a. Food services will be provided, as necessary to eligible migratory children. These may include breakfast and milk programs, lunch and evening snacks or dinner.

1.1.b. An effort will be made at the local project coordinator level to determine the need for clothing and other supportive service needs.

1.1.c. Proper clothing and other services will be provided to children based on need as determined by the local site coordinators and social agency representatives.

1.1.d. Efforts will be coordinated with health agencies and other medical facilities to provide services for Title I migratory children in each project area. Assistance/referral to La Clinica de Campesinos, a migrant clinic, will be provided the children/youth in need of health care. Other pressing health needs will be addressed as needed.

1.1.e. School-developed or commerical nutrition information which is both linguistically and culturally based, will be available to be taken home by the migratory children.

1.1.f. A concerted effort between the school/community liaisons and school nurses will be developed in order to increase the effectiveness of the outreach services.

1.1.g. Providing the State Migrant Education Program Supervisor, Project Administrators, MSRTS Clerks, Project Site Coordinators and Community Liaison Personnel information on programs which serve a common constituency.

1.1. h. When rendering supporting services the Free and Reduced Lunch Price List will be utilized as a guide for qualifying students. (Orshansky Formula)

1.1. i. Health education will include activities which promote the desirability and necessity for having available at all times a health record.

IV. NEEDS IN SPECIAL AREAS

NEED:

1. Expose junior and senior high school migratory students to career options and occupational skills in as many areas of future employment as possible.

OBJECTIVES:

1.a. Implement programs in those schools where a substantial number of junior high or high school migratory students are enrolled, dealing with career possibilities.

ACTIVITIES:

1.1.a. Career-awareness classes will be established via the social science disciplines.

1.1.b. Career-oriented excursions will be provided.

1.1.c. Speakers from the different communities who have been involved in successful careers will be solicited through the Job Service, UMOS Inc., and through personal contact.

1.1.d. Provide relevant experiences and instruction for children in order to create awareness of academic as well as vocational requirements for post-high school education.

1.1.e. Counseling will be provided in the areas of multiple careers for the purpose of advising students realistically on vocations they can pursue.

1.1.f. Assessment instruments which will help determine strength in specific areas of career interest will be administered.

NEED:

2. Develop an upward career mobility program that will provide viable training for the Wisconsin migratory student population.

OBJECTIVES:

2.a. Recruit and enroll migratory students in the high school component of the various projects funded.

ACTIVITIES:

2.2.a. High school-aged migratory students will be provided career counseling/ orientation.

2.2.b. High school-aged migratory students will be provided with job-related instruction and/or educational reinforcement in math, reading and language arts.

2.2.c. High school-aged migratory students will be provided select/paid work-experience and vocational instruction within the state where programs can be developed.

NEED:

3. Identify special needs of migratory high school-aged youth and develop prototype projects to reduce migrant youth attrition at secondary level.

OBJECTIVES:

3.a. Programs for migrant youth will be researched, developed, implemented and maintained.

ACTIVITIES:

.3.a. Programs will be developed/implemented to create academic/vocational incentives.

3.3.b. Activities which will draw migratory youth into school will be carried out.

3.3.c. Academic and vocational awareness for migrant youth will be provided via counseling and exposure to successful models in vocational fields, business and academia.

3.3.d. Participating Title I Migratory Youth will be hired as tutors and aides for the elementary children.

3.3.e. Migratory youth, hired as tutors and/or aides will be paid with Title I-M funds, and/or other federal funds, local community-based organizations and youth Employment Training program funds.

3.3.f. The State Title I-M Supervisor will provide technical assistance in the area of resource mobilization and inter-agency linkages to ensure that field projects can bring additional resources to bear on project expansion.

NEED:

4. Instill, develop, and increase cultural and ethnic pride in the migratory students, parents, and community.

OBJECTIVES:

4.a. All migratory children will receive instruction in cultural/ethnic awareness, utilizing all resources available with the area.

ACTIVITIES:

4.4.a. Cultural and ethnic awareness will be provided in schools where migratory students are enrolled. These classes will include appropriate ethnic and cultural materials, i.e., films, information and histories about migratory families, Native American, Black, White, Mexican-American, Mexico, and the Southwest. The end result in implementing ethnic courses is primarily to improve cross cultural communications.

NEED:

5. Enhance the migratory child's self-esteem, social growth, and interaction skills.

OBJECTIVES:

5.a. The Title I Migrant Program for school year 1980-81 will continue to stress the significance of expanding in the area of self-concept.

ACTIVITIES:

5.5.a. Efforts will be coordinated with materials development organizations such as the Spanish Curriculum Development Center In Miami Beach, Florida, and the Curriculum Adaptation Network for Bilingual/Bicultural Education in San Antonio, Texas.

5.5.b. Materials utilized will serve as vehicles to augment the migratory child's self-concept, via positive reinforcement.

5.5.c. Teacher-made materials that stress development in the affective domain will be constructed.

5.5.d. Efforts will be made to provide a library which will house specific and applicable materials dealing effectively with self-concept approaches.

5.5.e. Leonetti-Muller Self-concept and Polomares rating scales can serve as evaluative instruments, in addition to other measurements.

V. EVALUATION

NEED:

1. To conduct a State Annual Evaluation Conference and a written annual evaluation to determine the accomplishments of programmatic objectives and academic achievement growth as a result of instruction during the summer program and a written evaluation only for the regular school year projects.

OBJECTIVES:

.a. The objective of the evaluation conference is to involve parents, youth, and staff in the evaluation of academic, non-academic growth, and to measure success in meeting all objectives of the summer program.

ACTIVITIES:

1.1.a. The Annual State Migrant Evaluation Conference will be conducted during the fourth week in July 1980. During this time, sessions will be conducted in those areas as they relate to the 1980-81 summer Migrant Programs. Other area and LEA evaluation workshops will be conducted as needed.

1.1.b. Parents will be asked to provide observations of their perceptions of the progress the migratory children made in the academic and non-academic areas of the project as well as the accomplishment of other objectives of the project.

1.1.c. All migratory students will be assessed by administering pre-continuous, and post-testing to the extent possible using appropriate evaluation instruments to accurately determine migratory student progress relative to that of non-migrant students.

1.1.d. Migratory students are to be evaluated by other programs in which they participate, i.e., ESAA (Emergency School Aid Act) and Title VII (Bilingual/Bicultural Education).

.1.e. Record results of evaluations conducted for all instructional programs provided for migratory students.

1.1.f. The migratory students MSRTS record will be updated continuously to include test data.

VI. PARENTAL INVOLVEMENT

NEED:

1. Parents of migratory students must be encouraged to participate in Parent Advisory Councils (PAC's) for the purpose of contributing to decision making, particularly regarding recommendations of educational programs that affect their children.

OBJECTIVES:

1.a. Require and assist every operating agency that receives Title I Migrant Funds to organize a PAC.

1.b. To provide Local PAC's and parents with the necessary information and training regarding parental involvement, i.e., State Federal guidelines and policies, provided by LEA staff.

1.c. Develop and maintain a State P.A.C. composed of people who know the needs of migratory children.

1.d. The State P.A.C. will advise SEA staff, primarily the State Title I Program Administrator and the State Supervisor of the Migrant Education Program.

ACTIVITIES:

1.1.a. Training sessions will be conducted for state and local PAC's regarding role and responsibilities as an advisory body.

1.1.b. Title I Migrant PAC consultants will be provided to render useful guidance to the parents.

1.1.c. Literature in relevant language, and encouragement of PAC's to conduct bilingual meetings, in English-Spanish when necessary, will be stressed.

1.1.d. Assurance that an active Parental Advisory Council is functioning in each of the participating operating agencies involved in Migrant Education will be required before approval of application.

1.1.e. Coordination will be maintained between the state PAC and agency PAC's. Leadership and support to this coordination effort will be provided by the State Title I Migrant education office.

1.1.f. Migrant parents will be involved in local, state, regional and if possible, national workshops, or other in-service training to:

i. Define the role of Title I Migrant Advisory Council members.
ii. Assist PAC's to become functional units by adapting the necessary rules and regulations to make them successful.
iii. Ensure that parents become acquainted with program objectives.
iv. Provide avenues for improving compensatory education.
v. Familiarize parents with legislation relative to Migrant Education to include rationale and justification in the utilization of federal monies.
vi. Provide techniques and strategies for program development and review process.
vii. Provide guidelines for evaluating program effectiveness.

NEED:

2. Migratory parents should be familiar with school/community resources and activities.

OBJECTIVES:

2.a. Provide School/Community Liaison persons where migratory students are located and need to be served.

2.b. School/Community Liaison persons will inform migratory parents of resources within the community.

ACTIVITIES:

2.2.a. Inservice training will be provided School/Community Liaison persons to insure that they are knowledgeable of all resources and activities to be found in the community.

2.2.b Develop expedient and effective communications between the student's home and the school will be the primary assignment of the liaison.

2.2.c. Maintain continuous contact with all agencies that render services to migratory families.

2.2.d. The School/Community Liaison will provide migratory parents with information about all school activities as they relate to migrant programs, i.e., supportive services, free lunch programs, etc.

2.2.e. The School/Community Liaison will follow up on all needs of concern that parents or students might have, until the need is met.

2.2.f. The School/Community Liaison will be charged with the responsibiltiy of assisting in developing and maintaining of a parent advisory council.

VII. INTERSTATE AND INTRASTATE COOPERATION

NEED:

1. Wisconsin Title I Migrant personnel should become familiarized with implications of interstate migration and establish interstate cooperation and coordination.

OBJECTIVES:

1.a. The State Title I Migrant Education Program Supervisor and designated members of the migrant program will visit the sending States and the receiving States, of Michigan, Illinois, Ohio, Minnesota and Indiana as well as other states to create an understanding among the contiguous states.

ACTIVITIES:

1.1.a. Texas Migrant Programs will be visited during the year if feasible.

1.1.b. Migrant Programs in the receiving states may be visited during the year.

1.1.c. The teacher exchange program between Texas and Wisconsin will be expanded.

1.1.d. Exchange of instructional materials will be stressed.

1.1.e. Consultants will be exchanged.

1.1.f. Personnel from other states will be invited to visit Wisconsin Program.

NEED:

2. Disseminate information on successful projects and develop a file of successful projects throughout the United States.

OBJECTIVES:

2.a. Develop a dissemination process to increase visibility of the Wisconsin State Migrant Education Program.

2.b. Maintain a public relations project to enhance the image of the program at the local level.

ACTIVITIES:

2.2.a. A qualified information dissemination specialist may be employed by a local project to provide information about each project to the State Title I Office.

2.2.b. Information and materials developed will be distributed systematically to all local projects, state agencies, other migrant-serving agents in the state, other state migrant education programs, and to similar agencies in other states.

2.2.c. Dissemination will take place at local, state, regional and national conferences.

2.2.d. Brochures and program bulletins will be printed describing conference, projects and workshops.

NEED:

3. Establish a comprehensive system for transferring high school credits.

OBJECTIVES:

3.a. Grant migratory students participating in the summer migrant education program credits transferable to their respective year-round school record.

ACTIVITIES:

3.3.a. Project Administrators and Site Coordinators will negotiate with each student's respective high school to facilitate the transfer of credits for academic, vocational training and work-experience.

3.3.b. Project Administrators and Site Coordinators with assistance from the State Migrant Education Program Supervisor will coordinate trips to the home base high schools to ensure transfer of credits for project enrollees.

NEED:

4. Participate in the National Migrant Record Transfer System.

OBJECTIVES:

.a. Professional and paraprofessional personnel of each Local Educational Agency directly or indirectly involved with migrant students will receive orientation sessions on the MSRTS.

4.b. Title I Migrant records clerks of each of the participating LEAs in Wisconsin will demonstrate utilization of the MSRTS by completing enrollments and withdrawals without delay after the implementation and termination dates of their respective projects.

4.c. Forty operational agencies will participate in the MSRTS during FY 1980-81.

ACTIVITIES:

4.4.a. Each school district shall employ sufficient personnel to compile and document all information to be included in the MSRTS and to identify migratory families, enroll migratory students, serve as liaison between school, home and community and assist in developing parent involvement.

4.4.b. In the State of Wisconsin, one terminal, and one terminal operator ensure the transmission of proper educational and health data through the MSRTS, which is based in Little Rock, Arkansas. A limited term employee will be hired to assist during the summer peak activity period.

4.4.c. Training will be provided all local migrant records clerks by the Terminal Operator as needed and required for up-dating and improving information relative to the function of MSRTS.

4.4.d. MSRTS personnel will become involved in interstate and intrastate activities, e.g., programs dealing with planning, training, implementing, up-dating and/or evaluating MSRTS activities.

VIII. INSERVICE

NEED:

1. In-service training of instructional personnel in order to make them cognizant of the special kinds of needs of migratory students and/or migratory bilingual/bicultural students.

OBJECTIVES:

1.a. Provide tailor-made in-service training programs which includes sensivity training programs for administrators, teachers, instructional aides, and other supportive staff.

ACTIVITIES:

1.1.a. Operating agency should conduct assessment of need for and type of in-service training needed by the staff to instruct migratory students and/or migratory students who are bilingual/bicultural.

1.1.b. A concerted effort will be made between the projects and the State Title I Migrant Office in the development of relevant and effective teacher training programs.

1.1.c. The State Title I Migrant Education Program Supervisor, with the assistance of the Area Coordinators, will solicit the specific type services from specialists, consultants and other personnel in order to help reach the aformentioned competencies.

1.1.d. All teachers whose salaries are funded from Title I Migrant and/or work directly under the auspices of the Migrant Program will be provided in-service training so that they can demonstrate competencies in the following subject matter of skill areas:

i. Use of the bilingual/bicultural approach to instruction.
ii. Techniques, strategies and informal styles of teaching reading, writing and language development, i.e., experience approach to learning via experience stories.
iii. Techniques and strategies in the teaching of mathematics through skill development and pratical usage.
iv. Diagnostic and prescriptive skills.
v. Knowledge in the areas of awareness and sensitivity relative to the cultural background of the migrant child.
vi. In the development of career education concepts for junior and senior high school migratory students.
vii. The criteria utilized in determining the attainment of these competencies of the instructional staff will be measured by supervisor evaluations as they relate to program objectives.

NEED:

2. To provide to all Title I Migrant participating school districts technical assistance in the development of an instructional plan which will reflect instructional services available to all migratory students.

OBJECTIVES:

2.a. Provide each of the participating Title I Migrant Education Projects in Wisconsin assistance in the areas of management, fiscal planning, program planning, staff development, evaluation, resource mobilization, state application and inter-agency cooperation.

ACTIVITIES:

2.2.a. A series of workshops are conducted beginning January for program management personnel.

2.2.b. Copies of the State Application will be disseminated to all participating projects, particularly to those persons directly responsible for the administration of Migrant Educational Programs and Parent Advisory Councils.

2.2.c. State and Federal Guidelines will be distributed to all school administrators, project directors and PAC's.

APPENDIX B

DPI's END-OF-PROJECT EVALUATION Form will be made available for the 1980 TI-Migrant Summer Project Directors.

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
APPLICATION - ESEA TITLE I-MIGRANT
TI-M
PI-1730
(Rev. 1-80)

APPENDIX C
of HANDBook

INSTRUCTIONS: Complete and return original plus 2 copies with attachments by Feb. 15, to
WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
ESEA TITLE I
126 LANGDON STREET
MADISON, WISCONSIN 53702

I. APPLICANT AGENCY AND ASSURANCES

Applicant (Legal Name of Agency)	Mailing Address (Street, City, State, Zip)
Name of Authorized Representative & Title	Area and Telephone Number

Name of Contact Person & Title	Area and Telephone Number	Mailing Address (Street, City, Zip)

THE APPLICANT AGENCY NAMED ABOVE HEREBY ASSURES THE STATE SUPERINTENDENT THAT:

A. The applicant agency will adhere to the latest edition of all federal rules and regulations governing the administration of Title I-Migrant programs.

B. Expenditures of Title I-Migrant funds will not be made prior to approval by the WDPI Migrant Education Administrator and/or Migrant Education Consultant.

C. All records required to maintain the Migrant Student Record Transfer System will be forwarded to the State Migrant Administrator without delay.

D. Reports required by the WDPI Migrant education unit, including fiscal and evaluation reports, will be forwarded to the State Migrant Education Administrator within 60 days of termination of the project.

E. Application will not be made to fund a Migrant education project where Migratory children do not have access to State and locally funded educational facilities and services comparable to those ordinarily provided to non-Migratory children living in the attendance area in which Migratory children are being served.

F. A Migratory child will not be prevented from benefiting fully from the services provided by the Title I-Migrant education program because he or she does not speak English or has limited English language skills.

G. Protection and care will be given to all property acquired with Title I-Migrant education funds under the Title and control of the Wisconsin Department of Public Instruction (WDPI). The applicant agency will submit an annual inventory list of all Title I - Migrant equipment and property.

H. The applicant agency will work cooperatively with State Migrant administrator in administering any evaluation or assessment of migrant children's educational needs as may be occasionally deemed necessary by the State Office.

I. Instructional staff and program administrators will participate in statewide or regional inservice workshops conducted by the State office.

Signature Authorized Official Date

II. PROGRAM DATA AND DESCRIPTION

A. Estimate Numbers of Migratory Children. (See Instructions, Page 1)

1. **Eligible** Number of Migratory Children Living or Expected to Live in Area

Estimate TOTALS

GRADE	Pre-K	K	1	2	3	4	5	6	7	8	9	10	11	12	
CURRENT (1,2)															
FORMERLY (3)															
TOTALS PER GRADE															

2. Estimated Number of Eligible Migratory Children ages 5 to 17:________________

3. Number of Migratory Children **to be Served**

Estima TOTALS

GRADE	Pre-K	K	1	2	3	4	5	6	7	8	9	10	11	12	
CURRENT (1,2)															
FORMERLY (3)															
TOTALS PER GRADE															

4. Estimated Number of Migratory Children to be Served ages 5 to 17:________________

5. Estimation Procedures (Refer to Instructions, Page 1)

   a. Describe the procedure used to arrive at Estimates in A.1., and A.2.

   b. Describe the procedures used to arrive at Estimates in A.3., and A.4.

6. If the applicant agency expects to provide migrant education program services--other than the identification and recruitment of children and the transfer of records--to fewer eligible school-aged migratory children than the number of these eligible children living in the area (under II.A.2.), please explain why.

B. GENERAL PROJECT DESCRIPTION (See Instructions, Page 2)

1. Describe the project to be carried out through this application. Include: a. the location of project and geographic area being served by project; b. the relationship of this project to the State program; and c. the beginning and ending dates for student attendance at this project.

C. OBJECTIVES (See Instructions, Page 2)

1. Write concise pupil achievement or performance objectives to be achieved by each grade group. Each objective must identify: a. the population to be served; b. the anticipated outcome the program is designed to produce; and c. the device(s) to be used for reporting anticipated growth or change.

D. SERVICES (See Instructions, Page 3)

1. Provide the following information regarding the proposed project:

a. Type and number of Staff. Please attach job descriptions.

TYPE	NUMBER
Site Coordinator	
Supervisor	
Teacher	
Aide	
Clerical	
Recruiter/ Community Liaison	
Nurse	
Food Service	
Transportation	
Other (Specify)	
Total Number	

b. List Nonconsumable equipment:

c. List material and supplies to be used and estimated cost:

2. DESCRIBE each instructional service to be provided for each grade group. Include areas of instruction during a typical day and the time schedule of activities.

E. PROVISION FOR FULL SERVICE (See Instructions, Page 3)

1. Describe how this project will serve children who do not speak English or have limited English language skills.

III. SPECIAL REQUIREMENTS

A. INSERVICE TRAINING (See Instructions, Pages 3-4)

1. Describe inservice training to be provided to all staff members by the service agency.

B. PARENTAL INVOLVEMENT (See Instructions, Page 4)

1. Please list the names of the Advisory Council (place * after name of chairperson, their addresses, and place an "X" in appropriate column.)

NAME	ADDRESS	PARENT	STAFF	OTHER
a.				
b.				
c.				
d.				
e.				
f.				
g.				
h.				
i				
j.				

2. Describe how the applicant agency will solicit active parental involvement in the planning, operations, and evaluation of its project (s).

C. EVALUATION

1. Describe any evaluation of the project which is planned in addition to data required by the State Administrator of the Migrant programs.

D. DISSEMINATION

1. How will public information be disseminated?

2. Media coverage is encouraged. Please submit a statement that copies of newspaper articles will be forwarded to the State office for record keeping.

E. CONTINUITY

1. How can this project contribute to: a. the exchange of course credits both within and among states; b. the intrastate and interstate, sharing of program planning, evaluation, curriculum; c. staff training materials?

2. Describe procedures for participation and utilization of MSRTS including personnel responsible.

F. Describe any innovative or unusual features of the program, if any.

G. Submit name and phone number, if available, and/or as soon as possible, of local recruiter in charge of submitting eligibility forms to the State office in order to expedite MSRTS forms.

H. Describe recruitment procedures for locating all eligible migratory children, and for enrolling these identified migratory children in the MSRTS. Include a statement of the language to be used in these procedures.

I. If applicable, include how migratory children qualifying for regular Title I services will be served under regular Title I prior to receiving Title I-Migrant services.

IV. PROGRAM BUDGETING
(See Instructions, Pages 5-13)

Co. Code	LEA Code	Applicant Agency	Project No.	Project Period Starts: ________ Ends: ________ Students Start: End:

A. BUDGET SUMMARY

Line No.	Object Code	Function Code	Function	Initial Budget	1st Revision	2nd Revision	FOR DPI USE
01	100	100-000	Salaries-Instruction	$	$	$	
02	200's	" "	Benefits-Instruction				
03	300's	" "	Purchased Services-Inst.				
04	400's	" "	Non-Capital Objects-Inst.				
05	537	" "	Building-Rental-Instruction				
06	540	" "	Building-Remodeling-Inst.				
07	550's	" "	Equipment-Instruction				
08	560's	" "	Vehicles-Instruction				
09	940	" "	Other Objects-Instruction				
10		214-000	Health Services				
11		217-000	Attendance Services				
12		220-000	Inservice-Instruction				
13		239-000	Administration				
14		253-000	Operation of Plant				
15		254-000	Maintenance of Plant				
16		256-000	Transportation				
17		257-000	Food Service				
18		262-000	Systemology				
19		270-000	Insurance				
20		452-000	CESA				
21	Total Direct Costs			$	$	$	
22	Approved Indirect Costs ______%						
23	TOTAL PROJECT BUDGET			$	$	$	

For DPI Use Sources of Approved Funds	Initial	Revision	Revision
Current FY Grant Award	$	$	$
Carryover			
Carryover Reallocation			
Current Reallocation			
TOTAL	$	$	$
Approval Date			

IV. PROGRAM BUDGETING (Cont'd)

B. BUDGET DETAIL

Staff Assignments and Estimated Salaries

Obj. Code	Function Code	Name * SEE BELOW	Staff Code	FTE	% Empl. Title I-M	Encumbering Dates		TitleI-M Salary	District Salary	Total Salary
						Begins	Through			

Title I-M Salary Total $________

ALL OTHER THAN SALARIES

Obj. Code	Function Code	ITEM	

Total "All Other" Cost $________

TOTAL PROJECT COST $________

* List each position separately. If person's name isn't known, identify that position as Position #1. Next unknown would be Position #2. This information is necessary in order to follow approved positions on the fiscal report. The persons hired in these positions are to be encumbered on the fiscal report with Position # on same line as their name.

TI- EXTRA SHEET IF NEEDED

IV. PROGRAM BUDGETING (Cont'd)

B. BUDGET DETAIL

Staff Assignments and Estimated Salaries

Obj. Code	Function Code	Name * SEE BELOW	Staff Code	FTE	% Empl. Title I-M	Encumbering Dates		TitleI-M Salary	District Salary	Total Salary
						Begins	Through			

Title I-M Salary Total $________

ALL OTHER THAN SALARIES

Obj. Code	Function Code	ITEM	

Total "All Other" Cost $________

TOTAL PROJECT COST $________

* List each position separately. If person's name isn't known, identify that position as Position #1. Next unknown would be Position #2. This information is necessary in order to follow approved positions on the fiscal report. The persons hired in these positions are to be encumbered on the fiscal report with Position # on same line as their name.

TI-M EXTRA SHEET IF NEEDED

IV. PROGRAM BUDGETING (Cont'd)

B. BUDGET DETAIL

Staff Assignments and Estimated Salaries

Obj. Code	Function Code	Name * SEE BELOW	Staff Code	FTE	% Empl. Title I-M	Encumbering Dates		TitleI-M Salary	District Salary	Total Salary
						Begins	Through			

Title I-M Salary Total $________

* List each position separately. If person's name isn't known, identify that position as Position #1. Next unknown would be Position #2. This information is necessary in order to follow approved positions on the fiscal report. The persons hired in these positions are to be encumered on the fiscal report with Position # on same line as their name.

THE TITLE I-MIGRANT APPLICATION GUIDE

Instructions and Approval Criteria for

Completing Title I ESEA Migrant Project Applications

FISCAL YEAR 1981

For use with form PI-1730 (Rev. 1-80)

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

Barbara Thompson, State Superintendent

DIVISION OF MANAGEMENT, PLANNING AND FEDERAL ASSISTANCE

A.A. Buchmiller, Assistant Superintendent

BUREAU FOR FEDERAL PROGRAMS AND SERVICES

Alan W. Kingston, Bureau Director

TITLE I, ESEA, SECTION

Frank N. Brown, Administrator

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI of the Civil Rights Act of 1964

TITLE I ESEA SECTION

Administration

Frank N. Brown, Administrator	608-266-2699
Marcia Jacobson, Secretary	608-266-2699

Program

Consultants

Beverly Calhoun - CESA #15, Milwaukee Public Schools	608-266-2533
William Ernst - CESA #9, #10, #11	608-266-2533
Don Gehrmann - CESA #2, #12	608-266-2697
Nancy Lincoln - CESA #4, #17	608-267-7380
Kathleen Phillips - CESA #1, #8, #19	608-267-7380
Dorothy Placide - CESA #6, #14	608-266-2820
Myrna Toney - CESA #3, #16, #18	608-266-2697
James Wall - CESA #5, #7, #13	608-266-2820

Administrative Assistants

Bettejane Achtor - CESA #3, #5, #8, #11, #15, #19	608-267-7381
Una Patton - CESA #1, #6, #9, #10, #14, #16.	608-267-7381
Rick Whipp - CESA #2, #4, #7, #12, #13, #17, #18	608-267-7381

Secretaries

Janice Griswold	608-266-2697
Laura Mieden	608-266-2697
Carol Thompson	608-266-3515
Rhonda Christopher	608-266-2697

Evaluation

David Krueger, Evaluation Coordination and Reporting	608-266-3515

Fiscal

Emma Weber, Finance Officer	608-266-2690
Alan Virnig, Accountant	608-266-8053
John Norton, Accountant	608-266-8053
Bonnie Forsythe, Secretary	608-266-8053

Migrant Program

Daniel Costilla, Jr., Consultant	608-266-9616
David De Soto, Administrative Assistant	608-267-7338
Jeanne Meyer, Terminal Operator and Maintenance of Records	608-266-0925
Kathryn O'Connor, Secretary	608-266-0925

Follow Through - Lac du Flambeau

Frank N. Brown, Administrator	608-266-2699
Dorothy Placide, Consultant	608-266-2820

INTRODUCTION

Preparing an application that fully describes to the reader the project to be conducted, requires the performance of many planning activities. These have been detailed in the Migrant Education Handbook. Please read the handbook and conduct the planning activities before completing the application. The W.D.P.I. will be held accountable to the U.S. Commissioner of Education in accordance with the law, regulations and the agreement as stated in the state application. Close supervision by this office in the performance of its duties and responsibilities should eliminate the possibility of problems arising from the manner in which the projects are conducted. To be sure that all parties will abide by any agreements that are made, the application becomes the vehicle in which agreements are detailed. It is the working agreement between the W.D.P.I. and the applicant agency that has been responsible for the format of the application. The Application and the Application Guide are mutually formatted in the following manner: I, II, etc. are Sections; A., B., etc. are Items; 1., 2., etc. are Paragraphs; and a., b., etc. are Subparagraphs.

I. Applicant Agency and Assurances

This Section is self-explanatory.

II. Program Data and Descriptions

A. Estimated Numbers of Migratory Children.

Predicting the number expected to live in the area, and the number expected to be served in each grade level is very difficult. However, planning must be done using some credible sources and stated procedures for arriving at the projected numbers.

Averaging the number of migratory children who have participated during the past three years should produce a working number for each grade level, as well as for school-aged (5-17) children. A review of past years' MSRTS Transfer Forms may also serve as a basis for these statements. Along with the above methods, a survey or meeting with local crop and food processing employers may serve to arrive at projected numbers. Current and past teachers are also a valuable source for estimates. Another possible source may be State and County social service agencies, as well as private, non-profit service agencies.

B. Project Description

The project description should be general in nature yet sufficiently detailed so that all interested parties understand what the project proposes to do in the way of improving each child's achievement level. It is not necessary to describe the objectives in detail under Paragraph 1 since that is to be done under Item C. The same applies to Services under Item D, where detailed information--as stated on the Application--is requested.

C. Objectives

Achievement or performance objectives ususally include four components. Since the fourth component is addressed in Paragraph D, these objectives will require only three components. Please note that objectives are required for each grade group. There are certain limitations in writing objectives because they must be confined to general characteristics of the grade group because it is not known who the actual individuals are at this time. Past observations and knowledge will be helpful. Those who are new to writing applications for migratory children should seek technical assistance from the local applicant agency or from the Title I Migrant education office of W.D.P.I.

D. Services

This item of the application refers to staff, equipment, materials, and each specific service for each grade group. Please follow the topics to be described as noted on the application. Prepared job descriptions should be included. These will answer questions about the staff, especially those which may be raised regarding number of bilingual staff members. It should also be noted that this is the only place in the application where the listing of equipment, materials and supplies is required. The estimated cost will help in arriving at the total budget.

E. Provision for Full Service

It is not necessary to write a lengthy description. What is to be written depends primarily on the proposed staff as stated under Item D. If the number and type of staff assure full service, a summary statement will be sufficient.

III. Special Requirements

A. In-service Training

This activity is a must. While the staff may not need an extensive program of preparation to teach the migratory chilren that come to Wisconsin, the instruction of children should be a team effort. For a team to function efficiently and effectively, they must learn to work together. Orientation may or may not be a function of in-service training, however -- in the short period of time for staff preparation -- it is recommended that orientation functions be included in the in-service training program. Some in-service training activities may be difficult to describe without knowing the composition of the staff prior to their reporting for duty. However, a good description of in-service training should include alternatives for determining strengths and weaknesses on a short term basis and the contingency available for improving staff competency.

B. Parental Involvement

1. The requirements for the involvement of parents are clearly stated in the Federal regulations and the Migrant Education Handbook. The fact that the majority of the migratory children are in Wisconsin during the summer months, causes problems when it comes to involving migratory parents. Please list names of the present parent advisory council. Amend the application when additional migratory members are added to participate in the implementation and evaluation phases of the project.

2. This paragraph can be answered briefly. Stating participation activities in the planning and developing of the application and an agenda of proposed activities in the implementation and evaluation will be adequate.

C. Evaluation

This item is self-explanatory. The description of what is proposed in the way of process evaluation could be helpful in planning the project for the next year.

D. Dissemination

This item is self-explanatory.

E. Continuity

The importance of this item will increase as cooperation among the states increases. Ideas that can be stated will be helpful for future planning.

F. Innovative Features

This item is self-explanatory.

G. Contact Information on Recruiter

This item is self-explanatory.

H. Recruitment Procedures

Provide a statement of when, and how eligible migratory children will be located and enrolled into the State Migrant Education Program.

I. Regular Title I Services and Title I - Migrant Services

This item, if applicable, is self-explanatory.

IV. Program Budgeting

The Title I-Migrant budget consists of two Items: A. Budget Summary, and B. Budget Detail. It is recommended that Item B. be completed prior to completing Item A. In Item A. record the budget summary; in Item B. record the budget detail of each staff assignment and estimated salary, and the budget detail of each item under All Other Than Salaries. Please attach extra sheets as needed for the budget detail.

It is imperative that the budgeting be done as carefully as possible. The number of revisions will be limited to two (2) per year. For technical assistance contact the SEA Title I Office.

Included with these instructions are two charts of codes (see pp. 11-13). The charts include the Object Codes and Function Codes to be used in preparing the program budgeting. The "Wisconsin Elementary and Secondary School Accounting System (WESSAS) Handbook," 1980 Edition with letters of code changes, should be studied prior to coding the program budgeting. For Fiscal Year 80-81 the only Function Codes to be entered are the WESSAS Function Codes on page 13 of this TI-M Application Guide, and the Function Codes printed on the Budget Summary (Item A. at p. 11). Please note that the final three digits are triple zeroes.

County Code, LEA Code - Enter your designated county and LEA numbers, such as 01-1234 or 22-5678.

Applicant Agency - Enter your district's full legal name.

Project Period - Enter the anticipated operational period of your Title I-Migrant program under this specific project. This information is essential to start funding.

Students - Enter starting and ending dates when actual Title I-M services commence and end.

ITEMS OF CONCERN

Food cost reports are to be submitted to the School Lunch Division as follows:

1. Submit a calendar month report for each project operating during the month plus a composite report for the total of the respective calendar month. Request the amount allowed on each from School Lunch so as to be able to credit correct amounts to respective project.
2. Report each calendar month on a separate report. Do not overlap months. That is, June is to be on the June report, likewise July activity on the July report.
3. Reports for the month ending June 30 will not be accepted after August 15.

4. Do not submit a calendar month report until you have the full amount collected from adults for the respective calendar month being reported.
5. If cooks or any other food service personnel are employed at a site even if Title I-M is not in operation there, proration of that salary is not allowed when Title I-M is served.
6. Fiscal reports must reflect monies collected for meals.
7. It is requested that all purchases of food be itemized as well as all the reimbursements received. This itemized information should be attached to each fiscal report submitted and carried as cumulative figures.

ITEMS OF CONCERN - General

1. Service rendered before the approval date cannot be reimbursed with Title I-M funds.
2. The date herein indicated as the starting date for each staff member is the ENCUMBERING DATE for that person's salary. This date must be specific as to the day, month, and year.
3. In cases where names are not presently known, this is to be noted in the Name column, with the names submitted as soon as they are known. See the sample in the following pages.
4. Total budgeted amounts indicated on this budget for materials, equipment and inservice are maximum totals for cumulative requests submitted for this project.
5. In the event that there is need for a budget revision, one copy of each affected budget page must be submitted.

A. Budget Summary

Object and Function Codes - Enter on the respective lines the totals from the Budget Detail.

Line 23 equals the grand total of all program budgeting. Funds may be transferred among the various budget line totals to the extent necessary to assure project effectiveness provided that:

(a) the change is in line with the approved program purpose; and

(b) the deviation is no more than 10% of a line total and that the cumulative amount of transfers does not exceed 5% of budget grand total.

If a budget change exceeding the above is necessary, a budget revision must be submitted for approval to the SEA Title I-M program consultant.

B. Budget Detail

For purposes of budgeting, expenditures are to be broken down according to the Charts of Object Codes, and Function Codes (pp.11-13).

Object Code - Enter according to numbers listed in chart of object codes.

Function Code - Enter according to numbers listed in the chart of function codes.

Name or Item - Enter full name of employee or describe other expenses. In cases where names are not presently known, this is to be entered as a distinct "Position #" for each unknown within a particular line of object and function code. See the footnote on each budget page, and the sample of entries for unknown names, on the following page.

TI-M

IV.

(Sample entries) B. Staff Assignm

Obj. Code	Function Code	SEE Name * BELOW	Staff Code
100	110-000	Tomas Perez	.01
100	110-000	Position #2	.01
100	110-000	Position #2	.01
100	257-000	Leticia Bustos	Cook
100	257-000	Position #2	Cook-aide
100	214-000	Norma Shore	.20
100	217-000	Position #1	Recruiter

Staff Code - Enter according to the following chart.

CLASSIFICATION OF ASSIGNMENTS

Teaching	.01
Teacher Aide	.02
Supervision	.04
Direction & Management (Admin.)	.07
Counseling	.15
Psychologist	.16
Testing	.17
Social Work	.18
Nurse	.20
Physician	.21
Dentist	.22
Clerical	.10
Other (Specify)	

FTE - An employee that is employed full-time, even though his time might be divided between district and Title I-M is listed 1.00. If an employee is employed less time, such as 4 days a week, even though his time is divided between district and Title I-M he is listed as .80.

% Employed Title I-M - An employee working full-time in Title I-M is recorded as 100%. If employed in Title I-M half time, record as 50% in Title I-M.

Encumbering Dates/TI-M Salary/District Salary/Total Salary - Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort. Under Items "All Other Than Salaries," budget expenditures are also to be detailed according to the charts of object codes and function codes.

Personnel Services - Amounts charged for personnel services will be based on payrolls documented and approved in accordance with generally accepted practice. Payrolls must be supported by time and attendance or equivalent records for individual employees.

Employee Benefits - Budget according to dollars budgeted for each employee.

CHART OF OBJECT CODES

Title I-MIGRANT ESEA

100 - Salaries

200 - Employee Benefits

210 Retirement
211 Employees Share - Retirement
212 Employers Share - Retirement
220 Social Security
230 Life Insurance
240 Health Insurance
249 Other Health Insurance
250 Other Employee Insurance
251 Disability Insurance
260 Employee Physical Exams
290 Other (Specify)
291 College Credit Reimbursement

300 - Purchased Services

310 Personal Services (includes inservice stipends, includes inservice consultants, includes babysitting for PAC)
330 Utilities
324 Maintenance Services (includes maintenance service contracts, includes vehicle repairs)

340 - Travel

341 Pupil Transportation (includes transporting Title I-M pupils to and from school, field trips)
342 Staff Travel
349 Other (Specify) (inservice lodging, inservice travel, car insurance, PAC travel)

350 - Communication

351 Advertising
352 Photography
353 Postage
354 Printing (copying)
355 Telephone
359 Other (Specify)

360 - Data Processing (Specify)

370 - Educational Services (Specify) (CESA - hired personnel)

390 - Other Purchased Services (Specify)

400 - Non-Capitol Objects

410 Supplies (Instructional, including food for instruction)
412 Classroom
413 Office
414 Custodial
415 Food (Inservice, PAC, Field Trips)
416 Medical
418 Petroleum (Gas and oil for vehicles, also for Title I-M busing)
419 Other (Specify)
441 Apparel (Clothing)

420 - Materials (Specify)

430 - Media

431 Audio-Visual
432 Library Books
433 Newspapers
434 Periodicals
435 Realia
439 Other Media (Specify)

530 - Buildings

537 Rental

540 - Building Components/Remodeling (Specify)

550 - Equipment

551 Purchase - Addition
552 Purchase - Replacement
557 Rental

560 - Vehicles

561 Purchase - Addition
562 Purchase - Replacement
567 Rental

700 - Insurance

711 Liability
712 Property Insurance
713 Workmans Compensation
719 Other (Specify)
730 Unemployment Compensation
790 Other (Specify) (Student coverage - errors and omissions)

940 - Dues and Fees (Includes registration for inservice)

CHART OF FUNCTION CODES

WESSAS CODE	FUNCTION DESCRIPTION
110 000	UNDIFFERENTIATED CURRICULUM
120 000	REGULAR CURRICULUM
217 000	ATTENDANCE
214 000	HEALTH
220 000	INSTRUCTIONAL STAFF
239 000	OTHER GENERAL ADMINISTRATION
253 000	OPERATION
254 000	MAINTENANCE
256 000	PUPIL TRANSPORTATION
257 000	FOOD SERVICE
262 000	SYSTEMOLOGY
270 000	INSURANCE AND ADJUSTMENTS
452 000	CESA TRANSACTIONS

APPENDIX D

federal register

MONDAY, NOVEMBER 13, 1978
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GRANTS TO STATE EDUCATIONAL AGENCIES

Migratory Children

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[4110-02-M]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Educationally Deprived Children

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These final regulations are required by section 503 of the Education Amendments of 1972 and establish the rules governing the allocation, distribution, and use of grants under section 122 of title I of the Elementary and Secondary Education Act of 1965. These grants are awarded to State educational agencies to conduct programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the FEDERAL REGISTER. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT:

Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3523, ROB-3), Washington, D.C. 20202, telephone 202-245-2427.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A notice of proposed rulemaking published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28622), proposed to amend title 45 of the Code of Federal Regulations by adding a new part 116d. This would govern the program authorized by section 122 of title I of the Elementary and Secondary Education Act, as amended by Pub. L. 93-380 (Education Amendments of 1974) (20 U.S.C. 241c-2).

Interim final regulations were published in the FEDERAL REGISTER on July 13, 1977 (42 FR 36076). These included a discussion of the comments received in response to the notice of proposed rulemaking. The preamble to these interim final regulations (which took effect on September 5, 1977) announced that, in addition to conducting five public hearings, the Office of Education would accept written comments on the interim final regulations through August 29, 1977.

A subsequent FEDERAL REGISTER notice on October 27, 1977 (42 FR 56608), announced that three additional hearings would be held, and that the comment period would be extended through December 9, 1977.

As reorganized, Part 116 (published in the FEDERAL REGISTER on September 28, 1976 at 41 FR 42894) contains provisions applicable to all title I programs. Therefore, part 116, part 116d, and the applicable provisions of 45 CFR Parts 100, 100a, 100b, and 100c (the Office of Education General Provisions Regulations) constitute all of the regulations governing Title I programs conducted by State educational agencies for migratory children of migratory agricultural workers or migratory fishers.

These regulations do not implement the changes in the title I, migrant program that will be made by the Education Amendments of 1978, expected to be enacted in the near future. Instead, these final regulations are being published now in response to the large amount of public comment received on the 1977 interim final regulations and to implement the Department's Operation Common Sense. These regulations clarify apparent misinterpretations of the interim final regulations and, where desirable, make many of the regulatory changes requested by the public. It is also believed that, thus improved, these regulations are consistent as far as possible with the intent of Congress in enacting the Education Amendments of 1978. Broad public participation will again be sought in implementing the changes necessitated by the 1978 amendments. Therefore, a notice of proposed rulemaking that reflects both the 1978 amendments and additional administrative experience may be anticipated in the near future.

SECTION 503—PROCEDURES AND EFFECT

Section 503 of the Education Amendments of 1972 requires the Commissioner to: (a) Study all rules, regulations, guidelines, or other published interpretations or orders issued by him or her or the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; (b) report to the Committee on Labor and Public Welfare (now the Committee on Human Resources) of the Senate and the Committee on Education and Labor of the House of Representatives concerning this study; and, (c) publish in the FEDERAL REGISTER these rules, regulations, guidelines, and orders with an opportunity for public hearings on the published matters.

These regulations reflect the results of this study as it pertains to programs authorized under section 122 of title I of the Elementary and Secondary Education Act, as amended. At present, there are no guidelines relating to part 116d.

CITATION OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of these regulations has been placed in parentheses on the line following the text of the section.

SUMMARY OF CHANGES FROM THE INTERIM FINAL REGULATIONS

The final regulations have been written according to the principles of the Department's Operation Common Sense. The purpose of Operation Common Sense is to produce readable and understandable regulations that reflect Congressional intent and that do not unnecessarily regulate recipients of Federal funds, including State and local governments. Therefore, numerous changes in wording have been made to promote clarity and ease of understanding. In response to public comment and further program experience, some provisions have been added to the final regulations, some provisions of the interim final regulations have been clarified, and some have been deleted.

Most importantly, these final regulations:

(1) Clarify and expand the definitions of "agricultural activity," "currently migratory child," and "formerly migratory child";

(2) Strengthen the requirement that an eligible child will not be prevented from benefiting fully from title I migrant education services because of limited English language skills;

(3) Strengthen the requirements for parental involvement and require parent advisory councils at both the State and operating agency levels;

(4) Clarify that the Commissioner does not require a State to obtain documentary evidence of eligibility or civil status from a migratory child or his or her parent or guardian;

(5) Clarify the conditions under which the Commissioner or a State educational agency (SEA) may enter into a special arrangement with a public or nonprofit private agency;

(6) Delete the requirement that a State obtain annually the signature of the parent or guardian of each participating formerly migratory child;

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(7) Clarify a State's obligation to entify and recruit all eligible migra-ory children; and

(8) Clarify the extent to which a State must utilize the migrant student record transfer system.

The vast majority of the changes in the final regulations do not, however, effect a substantive change in the title I migrant education program. The following list of sections of the final regulations summarizes in greater detail the substantive changes made from the interim final regulations. Specific responses to comments received on the interim final regulations are published in the appendix to these final regulations.

§ *116d.1* No change.

§ *116d.2* The definition of "agricultural activity" has been clarified and expanded to include "any activity directly related to the cultivation or harvesting of trees."

For clarity, a new definition of "formerly migratory child" has been added. This provides that a formerly migratory child is one "who: (a) Was eligible to be counted and served as a currently migratory child within the past 5 years, but is not now a currently migratory child; (b) lives in an area served by a title I migrant education project; and (c) has the concurrence of his or her parent or guardian to con-nue to be considered a migratory ild."

Also, a definition of the term "operating agency" has been added, which includes both local educational agencies and other public and nonprofit private agencies.

§ *116d.3* No change.

§ *116d.4* This is a new section. However, it merely restates § 116d.3(c) of the interim final regulations.

§ *116d.5* No change. However, this section has been reworded to clarify that in conducting a State program, an SEA may act in one or more of three ways. First, the SEA may act directly. Second, it may make a subgrant to an LEA or a group of these agencies. Third, it may enter into a special arrangement with a public or nonprofit private agency.

§ *116d.6* Several changes have been made. Under this section the application of an operating agency must now include a description of how the operating agency will comply with the requirements for soliciting parental involvement and for establishing and consulting with a parent advisory council. The operating agency must also describe how it will assure that eligible children are not prevented from benefiting fully from the project because of limited English language skills.

The requirement in § 116d.6(b) of he interim final regulations that SEA's routinely forward to the Commissioner copies of the applications of operating agencies has been deleted. Section 116d.6(b) now requires SEAs to forward only those applications that are requested by the Commissioner.

§§ *116d.7 through 116d.11* No change.

§ *116d.12* Section 116d.12 has been rewritten to clarify that an SEA or operating agency must make a written record of the basis on which eligibility has been determined for each child who is counted or served.

Additional language has been added to clarify that a State is not required to obtain documentary proof of eligibility or civil status from the child or his or her parents or guardian. Instead, the State may rely on credible information provided by the child or his or her parents or guardian.

§§ *116d.21 through 116d.23* No change.

§ *116d.24* This is a new section. It states the conditions under which an SEA may enter into a special arrangement with a public or nonprofit private agency to conduct a project. These conditions parallel those under which the Commissioner may make a special arrangement under § 116d.25.

§ *116d.25* This section establishes the conditions under which the Commissioner may enter into a special arrangement. It restates § 116d.24 of the interim final regulations, and the conditions follow those provided in section 122(a)(2) of the Act. This section also provides that the Commissioner may not enter into a special arrangement until after the affected SEA has had notice and been given an opportunity for a hearing.

§ *116d.26* This is a new section. It clarifies that § 116.6(b), pertaining to complaint resolution procedures, applies to an SEA's administration of the State program. It also requires the SEA to develop appropriate complaint resolution procedures for projects that last fewer than 60 days.

This section clarifies that the Commissioner may review an SEA's resolution of a complaint and, when necessary, issue additional orders or enter into a special arrangement.

§ *116d.31* This section merely restates § 116d.31(a) of the interim final regulations.

§ *116d.32* This section, which replaces § 116d.31(b) of the interim final regulations, makes several changes. It requires that a State application contain:

(a) A description of the State's efforts to identify and recruit all eligible migratory children;

(b) An appropriate explanation, if the State proposes to serve fewer than the number of identified eligible school-aged migratory children;

(c) A description of the measures the SEA will take to assure that an eligible child is not prevented from benefiting fully from program services because of limited English language skills; and

(d) An assurance that the SEA will transfer the educational records of participating children in accordance with the Family Educational Rights and Privacy Act of 1974.

In addition, this section provides some examples of intrastate and interstate coordination in connection with the requirement that an SEA take steps to provide continuity in the education of participating migratory children.

§ *116d.33* No change. This section restates § 116d.31a of the interim final regulations.

§ *116d.34* No change. This section restates § 116d.32 of the interim final regulations.

§ *116d.35* This section deletes the requirements, imposed by § 116d.35(c) of the interim final regulations, that the eligibility of each formerly migratory child must be supported by the signature of a parent or guardian—as proof of parental concurrence for the child's participation—and that this signature must be secured annually.

§ *116d.36* No change.

§ *116d.37* Several changes have been made. This section now provides that "each SEA shall take the necessary steps to assure effective parental involvement throughout the State program."

It also requires parent advisory councils at both the State and operating agency levels. States may establish parent advisory councils at the operating agency level now, for operations during fiscal year 1979. In any event, § 116d.37 shall apply to SEA applications submitted for fiscal year 1980 funds.

Finally, it provides that a majority of the membership of both State and operating agency advisory councils must be comprised of parents of children served.

§ *116d.38* A change has been made. This section deletes § 116d.38(c) of the interim final regulations, which stated the types of information that an SEA must include in its application in support of its request to use title I migrant education funds to provide day care services.

The new section, however, maintains the requirement that the Commissioner's specific approval for this type of expenditure of program funds is needed, and it does not alter the criteria by which the Commissioner will evaluate these requests.

§ *116d.39* Two changes have been made. First, the final regulations require that the Commissioner determine, before approving a State application, that the "SEA has made every

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reasonable effort to identify and recruit all eligible currently and formerly migratory children."

Second, this section clarifies that full utilization of the migrant student record transfer system, which is required of all States, includes "the transfer of the most current academic and health information available for the children served."

§§ 116d.40 and 116d.41 No change.

After consideration of the comments received, part 116d of title 45 of the Code of Federal Regulations is amended to read as follows.

(Catalog of Federal Domestic Assistance No. 13.429, Educationally Deprived Children—Migrants.)

Dated: September 25, 1978.

JOHN ELLIS,
Acting U.S. Commissioner of Education.

Approved: October 30, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by revising part 116d as set forth below:

Subpart A—General

Sec.
116d.1 Applicability of regulations.
116d.2 Definitions.

Subpart B—Managerial Responsibilities of State Educational Agencies

116d.3 State applications.
116d.4 Annual program plans.
116d.5 Designation of operating agencies.
116d.6 Participation of operating agencies.
116d.7 Supervision of State programs.
116d.8 Amendments to applications.
116d.9 Title and control of property.
116d.10 Sources of funds for State administration.
116d.11 Adjustment of funds not needed by an operating agency.
116d.12 Child eligibility.
116d.13-116d.20 [Reserved]

Subpart C—Amounts Available for Grants and Payments

116d.21 Total amount available for grants.
116d.22 Entitlements.
116d.23 Payments.
116d.24 Special arrangements with the State educational agency.
116d.25 Special arrangements with the Commissioner.
116d.26 Complaint resolution procedures.
116d.27-116d.30 [Reserved]

Subpart D—Program Requirements

116d.31 Use of program funds.
116d.32 Contents of State applications.
116d.33 Programs of instruction for preschool migratory children.
116d.34 State budgets.
116d.35 Services to formerly migratory children.
116d.36 Comparable access to State and locally funded educational facilities and services.
116d.37 Parental involvement.
116d.38 Supporting services.
116d.39 Criteria for the approval of State applications.
116d.40 Cooperative programs.
116d.41 Disapproval of State applications.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability of regulations.

These regulations govern programs and projects to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers. Section 122 of title I of the Elementary and Secondary Education Act of 1965 ("the Act") authorizes the Commissioner to award grants to State educational agencies (SEA's) to support these programs and projects. Unless otherwise noted, these grants are also subject to the provisions of two other parts of this chapter: Part 116, general requirements that apply to all title I programs, and the applicable provisions of parts 100, 100a, 100b, and 100c, relating to fiscal, administrative, property management, and other matters.

(20 U.S.C. 241c-2.)

§ 116d.2 Definitions.

"Agricultural activity" means:

(a) Any activitiy directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(b) Any activitiy directly related to the cultivation or harvesting of trees; or

(c) Any activity directly related to fish farms.

"Currently migratory child" means a child:

(a) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(b) Who has moved within the past twelve months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

"Day care services" means the custodial care of children or infants that satisfies the standards of applicable State law.

"Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

"Formerly migratory child" means a child who:

(a) Was eligible to be counted and served as a currently migratory child within the past 5 years, but is not now a currently migratory child;

(b) Lives in an area served by a title I migrant education project; and

(c) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

NOTE.—There is a total of 6 years of program eligibility—a 1-year status as a "currently migratory child" and up to 5 additional years as a "formerly migratory child."

For the purpose of this definition, "area served by a title I migrant education project" means any portion of the geographic area that is within the legally prescribed boundaries of a local educational agency (LEA) or a combination of these agencies, and within whose boundaries there are currently or formerly migratory children who are receiving title I migrant education services or who will receive these services within the current program period.

"Guardian" means:

(a) A person who has been appointed to be the legal guardian of the child through formal proceedings in accordance with State law; or

(b) A person who the SEA determines would be appointed to be the legal guardian of the child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(c) A person standing in the place of a parent to the child.

"Migratory agricultural worker" means a person who has moved from one school district to another—or, in a State that is comprised of a single school district, from one school administrative area to another—within the past 12 months to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

"Migratory fisher" means a person who has moved from one school district to another—or, in a State that i comprised of a single school district from one school administrative area t another—within the past 12 months t enable him or her to obtain temporar or seasonal employment in a fishin activity.

"Operating agency" means an LE to which an SEA makes a subgrant o title I migrant education funds, or public or nonprofit private agenc with which an SEA makes a special a rangement to carry out a title I migrant education project.

"Project" means one or a set of activities that:

"(a) Is composed of instructional services, or supporting services as explained in § 116d.38, or both;

(b) Is provided by an SEA directly, though an LEA, or through a public or nonprofit private agency to migratory children living in a particular area of a State, and

(c) Is designed to meet the objectives of a State program under § 116d.32(e).

"State program" means an overall plan for services, activities, personnel, and materials included in an SEA's application for a grant under § 116d.3 to meet the special educational needs of migratory children.

(20 U.S.C. 241c-2.)

Subpart B—Managerial Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) *General.* To receive a grant, an SEA shall submit to the Commissioner an application that:

(1) Is in the form required by § 100a.43 of this chapter;

(2) Is signed by the chief executive officer of the SEA or by his or her designated representative;

(3) Contains all the assurances and other information required by §§ 116d.5, 116d.7, 116d.8, 116d.32, 116d.34, and 116d.36 of this part and by part 116 of this chapter; and

(4) Requests approval to use, during the fiscal year covered by the application, any title I migrant education funds made available to the SEA for the preceding fiscal year, but not yet obligated by it.

(b) *Receipt of applications.* The Commissioner may decline to consider applications that are received after the date established for their receipt.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.4 Annual program plans.

An application that is submitted under § 116d.3 constitutes the annual program plan as required by section 434(b) of the General Education Provisions Act and must conform to the requirements of that section.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.5 Designation of operating agencies.

An SEA shall identify in its application the agency or agencies that it has designated to operate the State program. If all or part of a State program is to be operated directly by the SEA, the State shall identify in its application its personnel and other resources, including any resources that will be made available to it by contract or other arrangement, that will be employed to conduct the State program. If all or part of a State program is to be operated through one or more LEA's as subgrantees or through one or more special arrangements with public or nonprofit private agencies, the SEA shall identify them in its application.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.6 Participation of operating agencies.

(a) If all or part of a State program is to be conducted through one or more operating agencies, the SEA shall require each of them to submit to it an application that includes:

(1) A description of the project to be carried out by the operating agency;

(2) An explanation of the relationship between the project and the State program;

(3) The objectives to be achieved for each grade group;

(4) The estimated number of eligible migratory children living in the area to be served by the project, and the estimated number of these children who will be served. If the operating agency proposes to provide migrant education program services, other than the identification and recruitment of children and the transfer of records, to fewer eligible school-aged migratory children than the number of these eligible children living in the area, it shall explain why;

(5) A description of each service to be provided and its estimated cost;

(6) The types and number of staff to be employed;

(7) A description of how the operating agency will comply with § 116d.37(a); and

(8) A description of how the operating agency assures that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills.

(b) The SEA shall review the applications of operating agencies and approve only those that comply with these regulations and conform to the State program approved by the Commissioner. The SEA shall send a copy of any approved applications (including any amendments) that are requested by the Commissioner, within ten days of the request.

(c) Each operating agency shall maintain records of all financial transactions relating to the project for the period of time required by section 434(a) of the General Education Provisions Act. Each operating agency shall also provide timely financial reports (including the financial status report prescribed by § 100b.403 of this chapter) to the SEA.

(d) An operating agency may not obligate, within the meaning of § 100b.55(c) of this chapter, title I migrant education funds before:

(1) The effective date of the SEA's approved application; or

(2) The date on which the operating agency's application is submitted to the SEA in substantially approvable form, whichever is later.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.7 Supervision of State programs.

Each SEA shall describe in its application the procedures and resources that it will use to assure that projects are carried out in accordance with its State application as approved by the Commissioner.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.8 Amendments to applications.

Under the following circumstances, an SEA shall submit to the Commissioner an amendment to its application—including an application to use funds made available for the previous fiscal year, but not yet obligated—that is signed by that agency's chief executive officer or his or her designated representative:

(a) When the SEA materially changes its administration of the approved State program, including its organization, policies, or operations;

(b) As soon as any information becomes available that is required by these regulations, but was not previously submitted; or

(c) If changes are made in the laws, such as appropriation laws governing the approved State program, and the Commissioner indicates that an amendment is required because of those changes.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.9 Title and control of property.

(a) Except as provided by paragraph (b) of this section, an SEA shall maintain title to and control over all property that is acquired with its Title I migrant education funds.

(b) If a State law requires that an agency of the State other than the SEA maintain title to, or administrative control over, property that is acquired with title I migrant education funds, the SEA shall arrange for these functions to be carried out by the appropriate State agency. That State agency shall then be responsible for the proper exercise of these functions. However, the SEA shall retain the right to use, move, or otherwise dispose of this property in a manner designed to carry out most effectively the State program.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.10 Sources of funds for State administration.

(a) *State administrative funds.* In administering title I programs for migratory children, the SEA shall use funds provided under section 143(b) of the Act to perform only those functions that are the same or similar to the administrative functions carried out by the SEA in connection with programs and projects under parts 116a, 116b, and 116c of this chapter. These functions include the:

(1) Preparation of the SEA's application to be submitted to the Commissioner;

(2) Design, publication, and distribution to operating agencies of the application, evaluation, performance, and financial report forms, and the appropriate instructions;

(3) Provision of technical assistance to operating agencies in developing their applications;

(4) Review of applications and reports from operating agencies;

(5) Monitoring of projects for compliance with the State program;

(6) Design, publication, and final preparation of the evaluation, performance, and financial reports that the SEA submits to the Commissioner;

(7) Maintenance of fiscal control and fund accounting; and

(8) Dissemination of information.

(b) *Program funds.* The SEA shall use title I funds made available for programs and projects under section 122 of the Act to perform only those functions that are unique to the title I migrant education program, or that are the same or similar to the functions performed by LEA's in the State under part 116a of this chapter. These functions include the:

(1) Statewide identification and recruitment of eligible migratory children;

(2) Intrastate and interstate coordination of programs and projects;

(3) Coordination of programs, and projects with other public and private agencies;

(4) Operation of the migrant student record transfer system;

(5) Processing of reports that are submitted by operating agencies under § 116d.6;

(6) Maintenance of inventories of property that is acquired with title I migrant education funds;

(7) Negotiation and awarding of contracts; and

(8) Evaluation activities of the State program, other than the design of evaluation report forms and the final preparation of the SEA's evaluation report to the Commissioner.

(20 U.S.C. 241c-2; 241g; 1232c(b).)

§ 116d.11 Adjustment of funds not needed by an operating agency.

(a) Each SEA that receives a title I migrant education grant shall issue to operating agencies a set or rules that prohibits the imprudent, wasteful, or extravagant expenditure of these funds. To promote the efficient administration of the State program, the SEA shall include in these rules a provision that permits the SEA to make appropriate adjustments to its subgrants and special arrangements to avoid paying funds to an operating agency in excess of its actual needs.

(b) These adjustments shall be based on periodic reports of the operating agency's actual expenditures. Following an adjustment, the SEA may increase the funding of one or more other operating agencies that demonstrate a need for additional funds. Each operating agency affected by an adjustment shall amend its project application to reflect that adjustment and shall note the adjustment in its final financial report.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.12 Child eligibility.

An SEA or an operating agency shall not count a child under § 116d.21 or provide program services to that child until the agency has:

(a) Determined that the child is either a currently or formerly migratory child, as defined under § 116d.2; and

(b) Made a written record of the basis on which the child's eligibility was determined.

In determining eligibility, SEA or an operating agency may rely on credible information from any source, including that provided by the child or his or her parent or guardian. An SEA is not required to obtain documentary proof of either the child's eligibility or civil status from the child or his or her parent or guardian.

(20 U.S.C. 241c-2; 1232c(a); 1232c(b).)

§§ 116d.13-116d.20 [Reserved]

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amount available for grants.

The Commissioner determines for each fiscal year the total amount of the title I migrant education grant for which the SEA in each State (including the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, Wake Island, the northern Mariana Islands and the Trust Territory of the Pacific Islands) may apply according to sections 122(b), 124, and 125 of title I of the Act and section 843(d) of Pub. L. 93-380. The Commissioner determines these total amounts on the basis of the number of eligible migratory children in each State as shown by the migrant student record transfer system or by any other system that the Commissioner believes most accurately reflects the actual number of eligible migratory children.

(20 U.S.C. 241c-2; 241c-4; 241-5.)

§ 116d.22 Entitlements.

(a) *Entitlement based on the estimated cost of the program.* The SEA of each State is entitled to receive a title I migrant education grant in the amount that the Commissioner determines necessary to carry out its approved State program. Except as provided by paragraph (d) of this section, this amount may not exceed the total amount available to that State as determined by the Commissioner under § 116d.21.

(b) *Informational basis for determining the amount of entitlement.* The Commissioner determines the amount of the title I migrant education grant that an SEA is entitled to receive on the basis of the current information available to the Commissioner at the time that the application is approved. This includes information about the number of children to be served and the nature and scope of the State program. The Commissioner may adjust this amount later in the fiscal year on the basis of additional information available then.

(c) *Consideration of the cost of past and future activities and the amount of funds available.* The information on which the Commissioner determines the amount of the title I migrant education grant to which an SEA is entitled includes:

(1) The total amount for which the SEA may apply as determined under § 116d.21;

(2) The cost of completed program activities under previous grants, and the number of children who were served;

(3) The estimated cost of activities not yet begun under the preceding grant, and the number of children who will be served;

(4) In the case of a request for an increase in the grant amount previously determined by the Commissioner to be needed to carry out the State program, the estimated cost of providing additional program services before the end of the grant period and the number of children who would receive additional services; and

(5) The unused amount of the SEA's preceding title I migrant education grant.

(d) *Reallocation of excess funds.* If the Commissioner determines that the total amount for which an SEA may apply, as determined under § 116d.21, exceeds the amount that is deter

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mined under this section to be needed to carry out its State program, the Commissioner may allocate some or all of this excess to one or more other SEA's whose total amounts under § 116d.21 would otherwise be insufficient to serve the eligible migratory children in those States.

(20 U.S.C. 241c-2; Sen. Rep. No. 634, 91st Cong., 2d Sess. 12-13 (1970).)

§ 116d.23 Payments.

The Commissioner shall make all payments of title I migrant education funds based on the requirements of subpart E of part 100b of this chapter. The amount of these payments to an SEA may not exceed the amount to which the Commissioner determines that the SEA is entitled under § 116d.22, nor may it exceed the amount obligated under § 100b.55(c) of this chapter during the period covered by the application.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.24 Special arrangements with the State educational agency.

An SEA may make a special arrangement with a public or nonprofit private agency or agencies to carry out a project if the SEA determines that:

(a) An LEA is unable or unwilling to conduct a project as defined in § 116d.2;

(b) The arrangement would result in more efficient and economic administration of the State program; or

(c) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(20 U.S.C. 241c-2.)

§ 116d.25 Special arrangements with the Commissioner.

(a) The Commissioner may make a special arrangement with a public or nonprofit private agency or agencies to carry out the purposes of section 122 of title I of the Act, if the Commissioner determines that:

(1) An SEA is unable or unwilling to conduct educational programs for the migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of these programs and projects; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) The Commissioner may use all or part of the total amount of the title I migrant education grant as determined under § 116d.21, and which otherwise would have been made available to the affected SEA, to enter into one or more special arrangements.

(c) The Commissioner may not enter into a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(20 U.S.C. 241c-2.)

§ 116d.26 Complaint resolution procedures.

(a) An SEA shall comply with § 116.6(b) of this chapter regarding complaint resolution procedures. In addition, an SEA shall establish an appropriate accelerated procedure for resolving complaints regarding title I migrant education projects that operate for fewer than 60 days.

(b) The Commissioner may review an SEA's resolution of a complaint. After the review the Commissioner may, when appropriate:

(1) Issue an order to the SEA prescribing additional actions to be taken by that agency to resolve the complaint; or

(2) Implement a special arrangement under § 116d.25.

(20 U.S.C. 241c-2.)

§§ 116d.27-116d.30 [Reserved]

Subpart D—Program Requirements

§ 116d.31 Use of program funds.

An SEA shall use title I funds made available for programs and projects under section 122 of the Act only to perform the functions described in § 116d.10(b) and to support projects.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.32 Contents of State applications.

Each SEA shall include the following in its application:

(a) A list of the areas within the State where eligible currently migratory children are expected to live and eligible formerly migratory children are living. This list shall include the estimated dates on which the currently migratory children will arrive in and depart from these areas;

(b) Estimates of the number of eligible currently and formerly migratory children, by category, expected to live, or living, in the State. The SEA shall support these estimates by explaining how it arrived at them and by describing its efforts to identify and recruit all eligible currently and formerly migratory children;

(c) The number of eligible currently and formerly migratory children, by category, expected to be served. If the SEA expects to provide migrant education program services—other than the identification and recruitment of children and the transfer of records—to fewer eligible school-aged migratory children than the numbers estimated in the preceding paragraph, it shall explain why;

(d) A summary of the information—including information from other SEA's and from the migrant student record transfer system—that the SEA has regarding the special educational needs of the migratory children expected to live or living in the State during the period covered by the application. This summary must demonstrate that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of these children and must include a description of the measures that the SEA will take to assure that a migratory child is not prevented from benefiting fully from the services provided by the title I migrant education program because he or she does not speak English or has limited English language skills;

(e) A detailed statement of the objectives, including performance criteria, of the state program, and how these objectives will be achieved. This statement must include:

(1) A description of each service to be provided and the estimated number of children by age and anticipated grade placement—including eligible children that are or will be enrolled in private schools—expected to receive each service;

(2) A description of any inservice training required, including the types of training, the types and number of staff members who will participate, and the frequency of their participation; and

(3) An estimate of the types and number of staff to be employed, as well as the facilities and materials to be used.

(f) A statement of how the effectiveness of the State program will be evaluated as required by § 116.43;

(g) A description of how the SEA will comply with § 116d.37(b);

(h) An explanation of the steps the SEA will take to assure the most continuity practicable in the education of the migratory children to be served, such as the exchange of course credits, both within and among States, and the intrastate and interstate sharing of program planning, evaluation, curriculum, and staff training materials. This explanation must also include a description of the information that the SEA will pass on to other SEA's regarding the migratory children, other than through the migrant student record transfer system;

(i) A description of the functions and staff salaries that the SEA proposes to charge to administrative funds under § 116d.10(a);

(j) A description of how the SEA proposes to comply with the requirements of § 116.45 of this chapter concerning the dissemination of public information; and

(k) An assurance that the SEA will transfer the educational records of the

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migratory children participating in the State program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students).

(20 U.S.C. 241c-2; 1232c(b); 1232g(b).)

§ 116d.33 Programs of instruction for preschool migratory children.

Instructional services designed to meet the special educational needs of preschool migratory children—as distinguished from day care or other supporting services under § 116d.38—are:

(a) Limited to children who are under the age at which public elementary education is provided under State law;

(b) Comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not primarily designed for custodial purposes; and

(c) Conducted by or under the direct supervision of a person who is qualified under State law to conduct the activities referred to in subsection (b).

(20 U.S.C. 241c-2.)

§ 116d.31 State budgets.

The SEA shall include in its application a detailed budget in the form prescribed by the Commissioner showing:

(a) The estimated total cost of meeting the SEA's objectives, including the estimated cost of each service, as described in § 116d.32(e).

(b) An estimate of the unobligated funds available from the preceding fiscal year's appropriation; and

(c) The amount of funds requested from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b).)

§ 116d.35 Services to formerly migratory children.

A formerly migratory child may participate in a project that includes currently migratory children or may participate in a project developed solely for formerly migratory children, provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children.

(20 U.S.C. 241c-2.)

§ 116d.36 Comparable access to State and locally funded educational facilities and services.

(a) *Assurances by the SEA.* Each SEA that applies for a grant shall include in its application an assurance that it will not conduct the State program through an LEA that does not provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigratory children living in the attendance area in which migratory children are being served. If, however, the project is conducted during a time of the year when the LEA is not providing State or locally funded educational facilities and services to nonmigratory children, the LEA is not required to provide them for the migratory children.

(b) *Relation to other requirements.* The provisions of paragraph (a) of this section do not modify the requirements of § 116.40 of this chapter, relating to supplanting State and local funds and services that the applicant is required by law to provide to all children or specifically to migratory children, or § 116a.26 (g) and (h) of this chapter, relating to the maintenance of comparability in school attendance areas where projects funded under part 116a of this chapter, and which serve migratory children, are being conducted.

(c) *Definition of comparable access.* The requirements of paragraph (a) of this section are satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition, transportation, and other services on the same basis as provided by the LEA to nonmigratory children residing in the attendance area where migratory children are being served.

(20 U.S.C. 241c-2; 241c(a).)

§ 116d.37 Parental involvement.

Each SEA shall take the necessary steps to assure effective parental involvement throughout the State program. As a minimum, each SEA shall demonstrate in its application that:

(a) It will require each operating agency to solicit actively parental involvement in the planning, operation, and evaluation of its projects, and to establish a parent advisory council whose views will be considered concerning the operation and evaluation of the present project, and the planning of future projects. This advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by that project.

NOTE.—An operating agency that provides services on a statewide basis need not create a separate advisory council, but must consult the State parent advisory council required by subsection (b).

(b) It has actively solicited parental involvement in the planning, operation, and evaluation of its State program, and has established a State parent advisory council whose views will be considered concerning the operation and evaluation of the present State program, and the planning of future State programs. This State parent advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by the State program.

(20 U.S.C. 241c-2; 241e(a); 1231d.)

§ 116d.38 Supporting services.

(a) *General.* An SEA or an operating agency may provide health, welfare, or other supporting services with title I migrant education funds, but only if these services are necessary to enable eligible migratory children to participate effectively in instructional services.

(b) *Day care services.* Day care services for eligible migratory children may be provided only as a supporting service to eligible preschool and school-aged migratory children and only with the specific approval of the Commissioner. Each SEA desiring to use program funds for day care services shall include a request in its application, or in an amendment to that application, and shall provide adequate information to allow the Commissioner to determine that the proposed day care services are:

(1) Not available from any other source;

(2) Necessary to enable eligible migratory children to receive instructional services supported by title I; and

(3) Not extravagant in relation to the cost, the number of children who would receive day care, and the effect that the availability of the day care services would have on the participation of eligible migratory children in instructional services supported by title I funds.

(20 U.S.C. 241c-2.)

§ 116d.39 Criteria for the approval of State applications.

The Commissioner approves a State application only if it contains the information and assurances required by § 116d.3 and complies with all applicable requirements of parts 100, 100a, 100b, 100c, and 116 of this chapter. The Commissioner also determines that:

(a) Payments will be used to carry out the State program and to fund projects—including the acquisition of equipment and, where necessary, the construction of school facilities—that are designed to meet the special educational needs of eligible migratory children. These programs and projects must also be coordinated with similar programs and projects in other States.

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including the transfer of the school records of these migratory children;

(b) Projects to be funded are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served, particularly any need for improvement in the basic academic subjects;

(c) Projects designed to meet the special educational needs of preschool migratory children will be provided only if, considering the amount of funds available, these projects will not detract from the operation of projects for school-aged migratory children;

(d) The State program is planned and will be operated in coordination with programs administered under section 303 of the Comprehensive Employment and Training Act of 1973;

(e) In planning the State program, the SEA has consulted with other SEA's that conduct title I programs for migratory children and with other agencies that provide services for migratory children and that are knowledgeable of their needs;

(f) The SEA's plan for assuring continuity in the education of migratory children includes appropriate procedures for coordinating its State program with programs in other States and for utilizing fully the migrant student record transfer system, including the transfer of the most current academic and health information available for the children served; and

(g) The SEA has made every reasonable effort to identify and recruit all eligible currently and formerly migratory children.

(20 U.S.C. 241c-2.)

§ 116d.40 Cooperative programs.

Two or more SEA's may submit an application for a joint program or project to serve migratory children living in more than one State. With the Commissioner's approval, one agency may administer such a cooperative program under an appropriate interagency agreement.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.41 Disapproval of State applications.

The Commissioner does not finally disapprove the application of an SEA until after reasonable notice and an opportunity for a hearing has been provided to that agency.

(20 U.S.C. 241c-2.)

APPENDIX

SUMMARY OF COMMENTS AND RESPONSES

The following is a summary of the comments received on the interim final regulations. Each comment is followed by a response that indicates any changes made or why no change was considered necessary. Specific comments are arranged in the order of the regulatory sections to which they pertain.

§ 116d.2 *Definitions.*

Comment. One commenter recommended that the definition of "agricultural activity" be made more specific with respect to the occupations included. Fifteen commenters recommended that this definition be extended to include a number of other migratory activities that are agriculturally related, but that fail to qualify under the present definition because of no direct involvement in the production or processing of a food crop for "human consumption."

Response. A change has been made. The definition has been expanded and clarified. It now provides for the eligibility of workers involved in the cultivation or harvesting of trees. Also, the term "human consumption," used in connection with the "production or processing of dairy products, poultry, or livestock," was not intended to be limited to human dietary consumption. For clarity, the term has been deleted.

It is not possible for the Commissioner to publish as part of these regulations an exhaustive list of all qualifying occupations.

Comment. Two commenters recommended that agricultural work for personal subsistence (self-employment) be included under the definition of "agricultural activity."

Response. A change has been made. The definition now includes the production or processing of crops, dairy products, poultry, or livestock "as a principal means of personal subsistence."

Comment. Six commenters recommended that the children of all families involved in occupationally-induced migration, whether or not the occupations involve agriculture or fishing, be eligible for program services.

Response. No change has been made. The requirement for involvement in agriculture or fishing is statutory.

Comment. Seven commenters recommended that the Commissioner formulate a standard Federal definition of "migratory child."

Response. No change has been made. The definitions of "currently migratory child" and "formerly migratory child" in these regulations are derived from statutory requirements that differ from the statutory requirements of other programs.

Comment. Twenty commenters recommended that the definitions of "currently migratory child," "migratory agricultural worker," and "migratory fisher" be revised to provide that moving from one school attendance area to another qualifies a child or worker as migratory. It was pointed out that children and workers may move from place to place within very large school districts.

Response. No change has been made. This recommendation has not been adopted for the same reason cited in the preamble to the interim final regulations (42 FR 36078). Pertinent legislative history indicates that Congress generally intended the program to serve children who migrate from school district to school district (Conference Report No. 93-1026, 93d Cong., 2d Sess. 142-143). However, the definitions do continue to cover children and workers who migrate from one school administrative area to another in States that are comprised of a single school district.

Comment. Seventeen commenters recommended that the definition of "currently migratory child" include migratory children of nonmigratory parents; six commenters recommended including nonmigratory children of nonmigratory seasonal farmworker parents.

Response. A change has been made. The definition of "currently migratory child" now includes "a child who has been eligible to be served (under the primary definition of "currently migratory child"), and who, without the parent or guardian, has continued to migrate annually * * *." In other words, once a child has qualified as a "currently migratory child" because both the child and the parent or guardian have migrated, that child may continue to be counted and served as a "currently migratory child" after the parent or guardian ceases to migrate, provided that the child continues to migrate annually. However, once the child ceases to migrate, that child may be counted and served only as a "formerly migratory child."

Furthermore, in order to be counted and served as either a "currently migratory child" or a "formerly migratory child," the child must have qualified at some previous point on the basis of being a migratory child of a migratory agricultural worker or a migratory fisher. The Commissioner has no authority to serve children who have never migrated or who have never had a parent or guardian who migrated.

Comment. Four commenters recommended that the period of program eligibility of a "currently migratory child" be extended from 12 months to 24 months.

Response. No change has been made. The Commissioner believes that migration within a 12-month period is a reasonable basis on which to qualify children as currently migratory because these children are suffering the

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ill effects of current disruptions in their education. Furthermore, children may be counted and served as formerly migratory for up to 5 years after the first 12-month period.

Comment. Three commenters requested clarification with respect to the actual calendar time of program eligibility of formerly migratory children.

Response. A change has been made. The definition of "formerly migratory child" clarifies that there is actually a total of 6 years of program eligibility—a 1 year status as a "currently migratory child" and up to 5 additional years as a "formerly migratory child." As an example, a child whose last qualifying move took place on January 1, 1978, would qualify as a "currently migratory child" through and including December 31, 1978. On January 1, 1979, the child would change status to a "formerly migratory child" (provided that the concurrence of the parent is secured) and would be eligible for program services up to and including December 31, 1983.

Furthermore, if the formerly migratory child in this example is enrolled in a project that commences prior to January 1, 1984, that child may continue to participate in those specific project services until they are completed. At the termination of that specific project, however, that child may not be reenrolled unless another qualifying move occurs to reestablish the child as currently migratory.

With respect to the priority of services to formerly migratory children, § 116d.35 of these regulations provides that "a formerly migratory child may participate in a project * * * provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children."

Comment. Five commenters recommended that the period of eligibility for a "formerly migratory child" be changed. The recommended time changes were 3, 7, and 8 years. Two commenters recommended maintaining the period of eligibility for a "formerly migratory child" at 5 years.

Response. No change has been made. The eligibility of a child as a "formerly migratory child" for up to 5 years is statutory.

Comment. One commenter recommended that the Commissioner formulate a standard Federal definition of "guardian."

Response. No change has been made. The Commissioner has no authority to establish a standard Federal definition of "guardian" for use by other agencies. However, the definition that applies for this program is quite broad and rarely, if ever, will result in precluding a person who is considered to be a "guardian" under another program.

Comment. Seven commenters recommended that the term "guardian," as used in the definition of "currently migratory child," be interpreted to include "crew leaders" who assume responsibility for transporting children to agricultural work sites or processing plants, arranging for their employment at those sites, and supervising them while they are there.

Response. No change has been made. The recommendation has not been adopted for the same reason cited in the preamble to the interim final regulations (42 FR 36077). "Crew leaders" who have custody of children for the primary purpose of supervising their employment are not considered to be persons standing in the place of a parent. Furthermore, to include persons other than those already included in the definition of "guardian" could result in counting and serving children not considered to be within the category of children that Congress intended to cover. For example, children of nonfarm families who join "crew leaders" only for summer agricultural employment could be counted.

However, the fact that a child is accompanied by a "crew leader" and not by a parent or guardian will not disqualify him or her if it is shown that the child's parent or guardian, as defined, is a migratory agricultural worker or migratory fisher, or that the child has been eligible to be served (under the primary definition of "currently migratory child") and has continued to migrate annually without the parent or guardian.

Comment. Three commenters recommended that a guardian should not be required to present a legal document certifying his or her guardianship status.

Response. No change has been made. The regulations do not require the presentation of a legal guardianship document.

Comment. Three commenters recommended that an individual who serves in a temporary parental capacity should be considered a guardian.

Response. No change has been made. The definition of "guardian" already includes a "person standing in the place of a parent to the child."

Comment. Three commenters recommended that "day haul" agricultural workers be included under the definition of "migratory agricultural worker."

Response. No change has been made. "Day haul" agricultural workers maintain a residence to which they return daily. Because they do not actually "move" across school district lines in the sense of establishing a new residence, they are not considered migratory.

Comment. One commenter requested a clarification of the term "personal subsistence," as used in the definition of "fishing activity."

Response. No change has been made. However, for clarification, "personal subsistence" means that the fish or shellfish are caught for direct consumption by the fisher or his or her family, rather than caught for wages or other income. A similar definition applies to "personal subsistence," as used in the revised definition of "agricultural activity."

Comment. Two commenters recommended that the definitions of "migratory fisher" and "currently migratory child" include those fishers and children who move from a school district to international waters and return to the same school district.

Response. No change has been made for the same reason cited in the preamble to the interim final regulations (42 FR 36078). The Commissioner interprets the law as not covering these fishers and their children. The legislative history of Pub. L. 93-380 indicates that only those fishers and their children who migrate from one school district to another school district are considered migratory (Conference Report No. 93-1026, 93d Cong., 2d Sess. 142-143).

Comment. Two commenters recommended a clarification of the definition of "project area."

Response. A change has been made. The definition of "formerly migratory child" now includes language to clarify "area served by a title I migrant education project." That language explains that the "area served by a title I migrant education project" is any area within the boundaries of an LEA, or a combination of LEA's, where there are migratory children who are receiving title I migrant education program services or who will receive these services within the current program period.

§ 116d.3 *State applications.*

Comment. Two commenters recommended that the standard application form be revised. One of these commenters recommended reducing the form's requirements for information. The other commenter recommended an application form that would require more information.

Response. No change has been made. The standard application form is prescribed by Attachment M of OMB Circular No. A-102 of September 12, 1977 (Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments).

Comment. One commenter recommended that annual State applications not be required.

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Response. No change has been made. The requirement for an annual State application is statutory.

Comment. One commenter recommended that the budget format of the standard application form be revised to parallel the budget format used by State and local educational agencies.

Response. No change has been made. The budget format is standard, as prescribed by Attachment M of OMB Circular No. A-102 However, the Commissioner is authorized by that circular to eliminate any requirements for budget entries that are not needed for program management. SEA's have been notified of these deletions.

Comment. Two commenters recommended that applicants be strictly required to submit all information with the initial application, including an identification of all operating agencies.

Response. No change has been made. Although an SEA is required to submit all the required information that is available at the time of submission of the application, it is permitted to amend its application "as soon as any information becomes available that is required by these regulations, but was not previously submitted * * *." (§ 116d.3(b).) Because of the unpredictable movement patterns of migrants, it would be unreasonable to enforce a stricter requirement regarding the inclusion of information in the State application.

Comment. Two commenters recommended a specific reference to the requirement for applicant agencies to comply with title VI of the Civil Rights Act of 1964.

Response. No change has been made. The regulations indicate that title I migrant education programs are also subject to the provisions of the Office of Education General Provisions Regulations. Section 100b.262 of those regulations requires compliance with the provisions of title VI of the Civil Rights Act of 1964 and 45 CFR Part 80 (Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare Effectuation of title VI of the Civil Rights Act of 1964). It is not the intent of the title I migrant education program regulations to repeat general requirements that are found in the General Provisions Regulations. Furthermore, the standard application form prescribed by Attachment M of OMB Circular No. A-102 requires an assurance that the applicant will comply with title VI.

Comment. Six commenters recommended a specific reference to the requirement for providing migratory children with access to State and local facilities and services.

Response. No change has been made. Section 116d.36(a) of the final regulations already requires each SEA to provide an assurance that it will not conduct the State program through an LEA "that does not provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigratory children * * *."

§ 116d.6 *Participation of operating agencies.*

Comment. Three commenters recommended that SEA's not be required to submit the approved applications of operating agencies.

Response. A change has been made. The requirement in § 116d.6(b) of the interim final regulations that SEA's routinely forward copies of the applications of operating agencies has been deleted. Section 116d.6(b) now requires SEA's to forward only those applications that are requested by the Commissioner.

Comment. Three commenters recommended that SEA's be required to consult with teachers and migratory children with respect to the planning of programs and projects.

Response. No change has been made. Section 116d.37 requires each SEA to consult with parents and to consider their views in connection with planning the State program. this section also requires each SEA to establish a State parent advisory council which "shall be composed of people who know the needs of migratory children." These councils may include teachers and migratory children. Section 116d.32(g) requires each SEA to explain in its application how it will comply with § 116d.37(b).

Furthermore, §116d.37(a) also requires each operating agency to establish and consult a similar council. That council may also include teachers and migratory children.

Comment. One commenter recommended that applicants be required to assure the "size, scope, and quality" of projects.

Response. No change has been made. Section 116d.39(b) of these regulations provides that a State application will be approved only if the Commissioner determines that "projects to be funded are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served * * *."

Comment. One commenter recommended that the information required in the application of an SEA and an operating agency be similar.

Response. A change has been made. Section 116d.6(a) regarding the contents of operating agency applications and § 116d.32 regarding the contents of State applications now share a number of common requirements. There are some differences, however, because of the different roles played by SEA's and operating agencies in the title I migrant education program.

Comment. One commenter recommended permitting an operating agency to carry over funds from one year to another rather than requiring the return to the SEA of all unobligated funds.

Response. No change has been made. Section 412 of the General Education Provisions Act (20 U.S.C. 1226) permits an SEA to carry funds over for 1 year after the fiscal year for which they were appropriated. However, Section 434(b) of the General Education Provisions Act (20 U.S.C. 1232c(b)) and 45 CFR 100b.18(b)—as well as § 116d.3(a)(4) of these regulations—require an SEA to, in effect, reapply with respect to the use of carryover funds.

The title I migrant education program is a State-operated program. Each year the SEA conducts a statewide needs assessment and designs a State program to meet those needs. However, because the children to be served are migratory, the needs of particular areas in the State may vary greatly from year to year. LEA's are not entitled to receive title I migrant education funds. Rather, an LEA is selected to participate in the State program solely because the SEA has determined that, through the participation of the LEA, the current needs of the State's migratory children may be most effectively met.

§ 116d.8 *Amendments to applications.*

Comment. One commenter recommended that amendments to applications not be permitted because they weaken the application procedure.

Response. No change has been made. It would be unreasonable, because of the mobility of the eligible migratory children, to expect a State never to have need to revise its program plan. The provisions for amending applications in § 116d.8 of the final regulations do not weaken the application procedure. In fact, all amendments undergo the same review process as initial applications.

§ 116d.9 *Title and control of property.*

Comment. One commenter recommended a stronger requirement with respect to the maintenance of an equipment inventory by the SEA.

Response. No change has been made. Property management is regulated by the Office of Education General Provisions Regulations and 45 CFR 116.42. Under 45 CFR 100b.215(d), an SEA that receives title I migrant education funds is required to maintain accurate property records and to conduct physical inventories of all nonexpendable personal property at least every 2

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years. "Nonexpendable personal property" is defined in 45 CFR 100.1 as "tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit."

Comment. Four commenters recommended permitting the use of program-purchased equipment by nonmigratory children.

Response. No change has been made. Title I migrant education program funds may be used to purchase equipment essential to the effective implementation of this program only. Although nonmigratory children may happen to be present when services involving the use of migrant education program equipment are being provided to migratory children, any benefits that the nonproject children derive from these services must be incidental. Program-purchased equipment may not be used directly with non-migratory children, however. If program-purchased equipment is used for non-title I purposes, that equipment was either not needed for the title I project, or it should have been purchased with State or local funds.

§ 116d.10 *Sources of funds for State administration* (formerly, *Allocation of funds to administrative and program functions*).

Comment. Two commenters recommended an increase in the amount of funds provided under section 143(b) of title I of the Act for State administration.

Response. No change has been made. The amount of funds provided for State administration is statutory. However, the statute does not specify what portion of the funds authorized under section 143(b) is to be used for each of the various title I programs. Because the SEA both administers and carries out its program for migratory children, it may also perform a number of administrative-type activities, such as those listed in § 116d.10(b), that are performed by local educational agencies (LEA's) under part 116a or by State agencies under part 116b and 116c. These activities may be charged to program funds even though they are "administrative" in nature.

Comment. Six commenters requested a clarification of the division of "administrative" and "program" functions.

Response. A change has been made. Section 116d.10 has been revised to provide clearer guidance on this matter. However, the regulations retain the basic criteria for determining which activities are to be charged to section 143(b) funds and which are to be charged to migrant education program funds.

Section 116d.10 no longer refers to the two types of activities as "administrative" functions and "program" functions. All of the functions are in some sense "administrative." However, some functions are to be charged to State title I administrative funds; others are to be charged to migrant education program funds. A full discussion of this issue may be found in the preamble to the interim final regulations (42 FR 36077-8, July 13, 1977).

Comment. One commenter recommended including parents under § 116d.10(b) with respect to the use of program funds for inservice training.

Response. A change has been made. Inservice training is no longer listed as an "administrative" function to be charged to program funds. Instead, inservice training is regulated by § 116.36 of the general title I regulations. Parents who serve on an advisory council or who volunteer to provide a service to the project are eligible for inservice training paid for with migrant education program funds.

Comment. Two commenters recommended setting minimum and maximum amounts of funds to be used to support each administrative-type function.

Response. No change has been made. An SEA must adequately perform, according to its needs, each necessary administrative function. Furthermore, an SEA must use these funds reasonably, in accordance with part 100b, subpart G ("Cost Principles"), of the Office of Education General Provisions Regulations.

§ 116d.12 *Child eligibility* (formerly *Child eligibility and evidence of child eligibility*).

Comment. Twenty-one commenters contested the authority of the Office of Education to require a migratory child or his or her parent or guardian to provide sufficient documentation to establish the child's eligibility as migratory.

Response. A change has been made. Section 116d.12 has been revised to clarify that a migratory child or his or her parent or guardian is not required to provide documentary proof of the child's eligibility. It is the responsibility of the SEA or the operating agency to determine that a child is either a currently or formerly migratory child, as defined under § 116d.2, and to make a written record upon which the child's eligibility is determined. In determining eligibility, an SEA or an operating agency may rely on credible information provided by the child or his or her parent or guardian.

Comment. Six commenters recommended that the regulations clearly state that proof of American citizenship or legal alien status is not required of a migratory child or his or her parent or guardian.

Response. A change has been made. Section 116d.12 now states that an SEA or an operating agency is not required to obtain documentary proof of the child's civil status from either the child or his or her parent or guardian.

§ 116d.21 *Total amount available for grants.*

Comment. Two commenters requested a clarification of the formula that is used to determine the total amount of the title I migrant education grant for which an SEA may apply.

Response. No change has been made. Section 116d.21 provides a general explanation of how the total grant amount available to an SEA is determined. However, for clarification, a more detailed explanation of how State grant amounts are determined is provided here.

(1) A State accumulates one residency day for each day (during the calendar year period) that a migratory child resides in that State. Residency days for each migratory child are determined on the basis of that child's enrollment data in the migrant student record transfer system.

(2) A State's total of accumulated residency days is divided by 365 (each group of 365 accumulated residency days equals one full-time equivalent (FTE) migratory child).

(3) A State's total FTE of migratory children is then multiplied by 40 percent of the State's per pupil expenditure rate (adjusted to not less than 40 percent of 80 percent nor more than 40 percent of 120 percent of the national average per pupil expenditure rate).

The computed amount becomes the total amount available to that State for its title I migrant education grant, unless that State's computed amount results in an amount less than the State received in the prior fiscal year. Section 125 of title I of the Act provides that no State agency program shall receive in any fiscal year less than 100 percent of the amount that it received in the prior fiscal year.

Furthermore, the Commissioner is authorized by section 122(a)(2) of title I of the Act to use all or part of the amount available to an SEA to make special arrangements with other agencies for services to migratory children. Since fiscal year 1969, the Commissioner has withheld a proportionate amount of each State's entitlement to fund the migrant student record transfer system. The remaining amount is then made available to each SEA.

Comment. Fifty commenters recommended that the funding formula be expanded with respect to the age range of migratory children who are eligible to be counted.

Response. No change has been made. The funding formula (including the counting of only those migratory children aged 5–17) is statutory.

Comment. Four commenters recommended maintaining the full-funding for the migrant education program "off-the-top" of the total title I appropriation.

Response. No change has been made. Under Section 144 of the title I statute, all title I State agency programs (including the migrant education program) are fully-funded "off-the-top" of the total title I appropriation.

Comment. Two commenters recommended that the formula used in determining the grant amount, to be made available to a SEA should use the child count from the same year as the grant award, and not the child count for the prior calendar year period.

Response. No change has been made. Because the title I program is "advance-funded"—i.e., funds are appropriated in 1 fiscal year for obligation by the Federal Government and use by the recipient in the following fiscal year—it is impossible to calculate the grant amount available to a State under the title I migrant education program on the child count from the same year as the grant award period.

However, the formula does use the child count from the most recent full calendar year period that is available. Thus, the size of a grant made available to a State for fiscal year 1979 is determined on the basis of the count of migratory children in that State during the period of January 1-December 31, 1977.

Comment. One commenter recommended the use of a "block grant" to State and local educational agencies instead of categorical aid for programs such as the title I migrant education program.

Response. No change has been made. The Act requires that title I migrant education funds be used for services to migratory children only.

Comment. Three commenters recommended that the Commissioner develop a procedure through which a State would be permitted to use a certain portion of "prospective" grant funds while final negotiations were being carried out with the Office of Education regarding the approval of its application.

Response. No change has been made. The obligation of funds by a grantee is regulated by the Office of Education General Provisions Regulations. Section 100b.25(d) states that funds shall not be obligated prior to the effective date of the approved State application. Section 116d.6(d) of the final regulations clarifies that an operating agency may not obligate funds before the effective date of the SEA's approved application or the date on which the operating agency's application is submitted to the SEA in substantially approvable form, whichever occurs later.

§ 116d.24 *Special arrangements with the State educational agency and § 116d.25 Special arrangements with the Commissioner* (formerly, *Special arrangements by the Commissioner to conduct migrant programs*).

Comment. A number of commenters made recommendations concerning special arrangements for services on the part of the Office of Education and participating SEAs. Eight commenters recommended that individuals and public and nonprofit private agencies be provided with a specific mechanism to petition the Office of Education for a special arrangement for services. Similarly, two commenters recommended that the regulations provide a specific procedure by which individuals and public and nonprofit private agencies may petition an SEA for a special arrangement for services.

In addition, five commenters specifically suggested that the regulations provide a procedure by which migratory parents could petition an SEA or the Office of Education for a special arrangement.

Response. A change has been made. Section 116d.24 has been rewritten to clarify that an SEA may make special arrangements with public or nonprofit private agencies to carry out a project. Section 116d.25 describes the Commissioner's authority to make special arrangements to carry out the purposes of section 122 of the Act. The conditions under which an SEA may make a special arrangement are essentially identical to those under which the Commissioner may make a special arrangement, and they follow the language of section 122(a)(2) of the Act.

Also, Section 116d.26 (*Complaint procedures*) has been rewritten. It makes clear that a participating SEA must establish a procedure by which it will resolve the complaints (alleging statutory or regulatory violations of the title I migrant education program) of parents and other individuals and organizations within an appropriate period of time, not normally to exceed 60 days. Moreover, § 116d.26(b) provides that the Commissioner may review an SEA's resolution of a complaint and take appropriate steps, including "implement[ing] a special arrangement under § 116d.25."

The Commissioner does not believe that the creation of distinct and possibly restrictive petition procedures are warranted. The existing complaint procedure is flexible enough to serve as an effective means by which a request for a special arrangement may be made.

Comment. Ten commenters requested that the regulations be more specific in terms of the conditions under which an SEA or the Commissioner may employ a special arrangement.

Response. No change has been made. The three conditions stated in § 116d.25, as those under which the Commissioner may make a special arrangement, follow the statutory language of section 122(a)(2) of the Act. Corresponding conditions in § 116d.24 govern an SEA's discretion to make a special arrangement. The language of the Act indicates that Congress intended to allow the Commissioner and each SEA considerable discretion in evaluating the need for a special arrangement.

§ 116d.31 *Use of program funds* (formerly titled *Use of funds*).

Comment. Five commenters recommended that the regulations permit a more liberal use of program funds for projects that involve a capital outlay, such as the construction of school facilities.

Response. No change has been made. The regulations permit appropriate use of Title I migrant education funds for construction; § 116d.39(a) provides that these funds may be used for the construction of school facilities "where necessary." This restrictive standard is imposed by section 122(a)(1)(A) of the Act. In addition, § 116.32, which is applicable to all title I programs, contains more specific guidance on the use of program funds for construction.

Comment. Three commenters requested that the regulations clarify the requirement that title I migrant education funds be used to supplement and not to supplant State and local funds.

Response. No change has been made. Section 141(a)(3) of the Act and § 116.40(a) require that title I funds be "used to supplement, and to the extent practical, increase the level of State and local funds that would, in the absence of such Federal funds be made available * * * [and] will not be used to supplant State and local funds * * *." (At the present time, the Office of Education is preparing additional interpretive guidance on these provisions.)

Comment. Three commenters requested a clarification of the phrase "imprudent, wasteful, or extravagant" as used in § 116d.11.

Response. No change has been made. These regulations (§ 116d.11) require that each SEA that "receives a title I migrant education grant shall issue to operating agencies a set of rules that prohibits the imprudent, wasteful, or extravagant expenditure of these funds."

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As noted in the preamble to the interim final regulations (42 FR 36076), this standard is regarded as workable. Given the numerous possible circumstances, it is not possible to define more precisely what expenditures are reasonable and appropriate.

Comment. Seven commenters recommended permitting the use of title I migrant education funds as stipends to encourage school attendance.

Response. No change has been made. Section 122(a)(1) provides that title I migrant education funds must be used "to establish or improve * * * programs of education for migratory children * * *." Section 122(a)(1)(A) requires that these programs be "designed to meet the special educational needs of migratory children * * *." Standing alone, of course, the payment of money to a migratory child has no educational content and does not directly address his or her educational needs. To be permitted, any payment would have to be integrally related to a program of educational services—such as a work/study project—designed to meet the child's special educational needs. In this case, the payment of money may be said to have educative content in its own right.

In addition, any payment would have to be "necessary to enable eligible migratory children to participate effectively in instructional services," and would be subject to the requirement that the expenditure be "necessary and reasonable" within the meaning of part 1(C)(a) of appendix B ("Cost Principles for State and Local Governments"), which applies to the title I migrant education program under 45 CFR 100b.81. Under these standards, for example, title I funds could not be used to pay stipends to migratory children to encourage them to attend educational programs that they are required to attend under State law.

Comment. Two commenters requested a more liberal use of funds for professional conferences, workshops, and in-service training.

Response. No change has been made. Depending upon the needs in an individual State, these activities may be supported with title I migrant education funds. Section 116.36 provides guidance concerning the appropriate use of these funds for pre-service and in-service training. These expenditures are also subject to the cost principles stated in Appendix B to 45 CFR Part 100, including the requirement that expenditures from program funds be "necessary and reasonable."

Comment. Two commenters recommended that the regulations encourage stronger fiscal and fund accounting controls.

Response. No change has been made. The present requirements assure effective fiscal control at the SEA and operating agency levels without imposing unnecessary burdens upon participating agencies. For example, § 116d.6(a)(5) requires an operating agency to describe each service it will provide and the estimated cost in its annual application to the SEA. Section 116d.6(c) requires an operating agency to maintain records of all financial transactions relating to a title I migrant education project for a period generally of 5 years and to provide timely financial reports to the SEA.

Section 116d.11 requires each SEA to issue to its operating agencies rules that prohibit the "imprudent, wasteful, or extravagant" expenditure of title I funds and requires operating agencies to reflect in their financial reports adjustments made to their subgrants.

Section 116d.34 provides that a State application must be accompanied by a budget "including the estimated cost of each service" to be provided as part of the State program. In addition, § 116d.10(a) provides that an SEA may use funds made available under section 143(b) of the Act to maintain "fiscal control and fund accounting" with respect to the State program.

Comment. Eight commenters suggested that a portion of each State's allocation of title I migrant education funds be earmarked for identification and recruitment of eligible migratory children, or, alternatively, that the regulations require an SEA to conduct recruitment efforts. Ten commenters recommended that the regulations require that all identified eligible migratory children in the State receive program services.

Response. A change has been made. Section 116d.39(g) of these regulations provides that a State application may not be approved by the Commissioner unless it demonstrates that "the SEA has made every reasonable effort to identify and recruit all eligible currently and formerly migratory children." Section 116d.32(b) requires an SEA to describe its recruitment efforts in its State application. In addition, as under the interim final regulations, § 116d.10(b) provides that an SEA may use program funds to identify and recruit eligible migratory children.

On the other hand, it is neither realistic nor appropriate to require that an SEA serve every identified eligible migratory child in the State. Some children may not exhibit special educational needs. Some may be served appropriately by other supplementary programs. And, it may not be feasible for the SEA to serve some children, especially those living in very remote areas.

However, § 116d.32(c) requires that if an SEA expects to serve fewer eligible school-aged migratory children than the number it has identified in its State application, it must explain why. Section 116d.6(a)(4) imposes a similar requirement on operating agencies.

Comment. A commenter recommended that these regulations more clearly indicate that in the title I migrant education program, the grantees are State, not local, educational agencies.

Response. A change has been made. Section 116d.1 clearly states that grants are awarded to SEA's. As § 116d.5 indicates, an SEA may conduct programs and projects directly, may make subgrants to one or more LEA's, or may enter into special arrangements with one or more public or nonprofit private agencies.

The definition of "operating agency" in § 116d.2 further clarifies that an LEA participates in the program as a subgrantee.

§ 116d.32 *Contents of State applications* (formerly § 116d.31(b) *Information in State applications*, and § 116d.39 *Criteria for approval of State applications*).

Comment. Five commenters recommended that these regulations require an individualized educational plan for each participating migratory child.

Response. No change has been made. Section 141(b) of the Act does not authorize the Commissioner to require an individualized written educational plan for each child. However, § 116.47 provides that "a State educational agency shall encourage where feasible applicant agencies * * * to provide for the development for each child participating in an approved program or project under * * * title I, an individualized written educational plan * * * agreed upon jointly by the applicant agency, a parent or guardian of the child, and when appropriate, the child."

Comment. Two commenters suggested requiring programs to include activities—beyond basic instructional programs—such as nutrition education, guidance counseling, or home-school coordination. Another commenter said these regulations should encourage the provision of enrichment, and not just compensatory services to migrant children. Still another suggested emphasizing specific disciplines such as language skills, mathematics, science, and music.

Response. No change has been made. The title I migrant education program is a supplementary, compensatory educational program intended to address the special educational needs of participating migratory children. If the eligible migratory children exhibit special needs in the basic academic

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subjects title I services must be fashioned to meet those needs.

Section 116d.39(b) provides that projects must be "of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served, particularly any need for improvement in the basic academic subjects." Of course, the determination of the special educational needs of the migratory children who will participate is a responsibility of each SEA (see § 116d.32(d)), as is the design of the programs and projects to meet those needs.

Comment. One commenter recommended that the concept of basic skills as used in § 116d.39(b) be amplified by the words "readiness, developmental, and remedial."

Response. No change has been made. As the preamble to the interim final regulations noted (at 42 FR 36079), the Office of Education lacks the authority to require all of these concepts to be implemented in every State program.

Comment. Two commenters requested a clarification of the requirement that projects show "reasonable promise" of meeting the "special educational needs" of the participating migratory children. Several other commenters requested examples of "special educational needs."

Response. No change has been made. Under § 116d.39(b), the Commissioner determines that projects to be funded are of "sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served * * *."

This provision implements section 141(a)(1)(B) of the Act, and although it is rewritten, it does not alter the substance of § 116d.39(b) of the interim final regulations.

The terms "reasonable promise" and "special educational needs" are statutory and are not otherwise defined in the Act. Still, the Commissioner believes that these terms are sufficiently clear in the regulations to provide the needed guidance and that a more detailed definition might unnecessarily restrict their application. Congress evidently intended the concept of "special educational needs" to have a broad applicability. This is consistent with the statutory framework that places responsibility on the SEA for diagnosing the particular needs of migratory children and for designing effective compensatory projects.

Comment. Six commenters recommended that these regulations encourage the provision of "summer-term" projects.

Response. No change has been made. The title I statute and these regulations make clear that each SEA is charged with the responsibility to determine the special educational needs of the eligible migratory children and to design appropriate programs and projects to meet those needs.

Section 122(a)(3) of the Act and § 116d.35 of these regulations establish a service priority that places currently migratory children before formerly migratory children. In some instances this may necessitate the use of summer-term projects.

Comment. One commenter suggested that each operating agency should be required to state its project objectives by "grade" as opposed to "grade group."

Response. No change has been made. As the preamble to the interim final regulations noted (42 FR 36077), uncertainties may exist as to the migratory children who will actually be present when a project is conducted. Reporting by grade group rather than by grade recognizes this uncertainty and is intended to provide flexibility to operating agencies.

Comment. A number of commenters recommended that bilingual and multicultural instructional services be required by the regulations when the linguistic circumstances of the children to be served warrant these services.

More specifically, 14 commenters said that bilingual or multicultural instruction should be required; two commenters recommended requiring classroom use of bilingual instructional materials; 9 commenters recommended requiring staff development activities to include bilingual and multicultural instructional program training; and 22 commenters recommended that the regulations require the employment of bilingual or multicultural teachers and other staff members.

Response. A change has been made. Section 116d.32(d) of these regulations requires a State application to demonstrate "that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of (the eligible migratory children living or expected to live in the State)." It also requires each SEA to include in its application "a description of the measures that the SEA will take to assure that a migratory child is not prevented from benefiting fully from the services provided by the title I migrant education program because he or she does not speak English or has limited English language skills."

Similarly, § 116d.6(a)(8) requires an operating agency application to contain "a description of how the operating agency assures that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills."

The Act, however, does not authorize, and section 432 of the General Education Provisions Act (20 U.S.C. 1232a) forbids the Office of Education to require any particular type of curriculum, program of instruction, or staff. Certainly, bilingual or multicultural modes of instruction may be appropriate when the children to be served have particular linguistic needs; however, other curricular responses may also be appropriate.

It is an SEA's responsibility under § 116d.32(d) to evaluate the linguistic needs of the children to be served and to devise an educational program appropriate to those needs.

Comment. Six commenters recommended that the Office of Education closely regulate the minimum qualifications of migrant educators. Two commenters said these regulations should require the use of community outreach workers. Another commenter said these regulations should require that a minimum percentage of staff aides be migrants themselves.

Response. No change has been made. The Office of Education has no authority to regulate the qualifications of migrant educators, or the type or composition of the staff connected with a State program. It is the responsibility of an SEA to develop a State program appropriate to the needs of the migratory children living or expected to live in the State.

Comment. Two commenters requested that teachers paid with title I migrant education funds be permitted to participate in regular supervisory activities that benefit the entire school population. Another commenter suggested that teachers should be permitted to work with migrant children within the regular classroom setting.

Response. No change has been made. Neither the Act nor these regulations permit the use of title I migrant education funds to provide services to children other than those who are eligible to receive them. However, neither the Act nor these regulations prohibit an SEA or operating agency from providing title I-funded services to eligible migratory children while sharing an institutional setting with other, noneligible children. The requirement is that the services be sharply focused on, and tailored to, the needs of the eligible migratory children.

Reason requires, of course, that genuinely trivial variations from these principles, which do not diminish the effectiveness of program services to eligible migratory children, be permitted.

Comment. Sixteen commenters recommended encouraging services at the secondary school level with an emphasis on dropout prevention. Similarly,

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three other commenters requested a secondary school emphasis specifically in the areas of career and vocational education.

Response. No change has been made. It is the responsibility of an SEA to design a State program that meets the needs of the migratory children living in the State.

Comment. Twelve commenters said the regulations should require extensive interagency coordination at the operating agency level with other programs providing services to migratory children. One commenter requested specific criteria for evaluating the extent of interagency program coordination.

Response. No change has been made. Section 116d.10(b) provides that an SEA may use funds made available under section 122 of the Act to "coordinat[e] * * * programs and projects with other public and private agencies." Section 116d.39(e) provides that before a State application may be approved, the Commissioner must determine that "in planning the State program, the SEA has consulted with other SEA's that conduct title I programs for migratory children and with other agencies that provide services for migratory children and that are knowledgeable of their needs." Both of these provisions are contained in the interim final regulations (see §§ 116d.10(b)(2) and 116d.39(e)) although worded slightly differently.

In addition, § 116.41(a) provides, in part, that "each application by (an SEA) for a grant under title I shall demonstrate that, in the development of such application, the applicant has taken into consideration benefits which are or may be available through other public and private agencies * * *. Such applications shall also demonstrate that the applicant has considered suggestions and offers of assistance which have been timely made by such agencies and which may aid in carrying out or making more effective the program or project for which application is made."

Additional regulations, such as the prescribing of criteria, applicable in all situations, are not warranted.

Comment. Eight commenters said these regulations should clearly require participation in and use of the migrant student record transfer system, including specifying the minimum health and education information that must be entered for each participating migrant child.

Response. A change has been made. Like the interim final regulations, § 116d.39(f) of the final regulations requires, as a condition of approval of a State application, that the SEA, in carrying out the State program, "utiliz[e] fully the migrant student record transfer system."

However, the following phrase has been added in the final regulations in order to clarify this requirement: "including the transfer of the most current academic and health information available for the children served."

In addition, § 116d.32(h) requires an SEA to include in its application "a description of the information about the migratory children that the SEA will pass on to other SEA's, other than through the migrant student record transfer system."

Comment. Nine commenters made general recommendations to foster improvement in the exchange among title I programs of general information and information about exemplary projects. Six commenters said these regulations should require that all migrant parents be fully informed concerning the State program, including the dissemination of bilingual program information, if necessary. Another suggested that all program documents be available to the public.

Response. No change has been made. Section 116d.32(j) requires that a State application contain a description of how the SEA proposes to comply with 45 CFR 116.45. Section 116.45 provides, in part, that an SEA must develop plans for "disseminating information concerning the provisions of title I, and the (SEA's) past and present title I programs—including evaluations of such programs—to parents and to the general public." It also requires each SEA to make available "such * * * documents as may be reasonably necessary to meet the needs of * * * parents or other members of the public for information related to the comprehensive planning, implementation, and evaluation of the title I program, but not including information relating to the performance of identified children and teachers."

Under this "reasonably necessary" standard, of course, SEA's are required to accommodate the needs of parents and others who possess limited English language skills.

Also, 45 CFR 116.44 provides, in part, that a State application must contain a description of the methods the SEA will employ "for reviewing, selecting, and disseminating to teachers and educational administrators significant information on the latest developments and most recent experiments in education so that such information will be available for use in program planning and operation. These methods may include * * * reports on the organization, operation, and outcome of projects under title I."

Furthermore, under § 116d.10(a)(8), an SEA may use administrative funds to support the dissemination of such information.

Comment. Nine commenters said these regulations should require each SEA to establish a separate complaint procedure for its title I migrant education program. Two commenters suggested that a private agency should be able to register a complaint.

Response. A change has been made. Section 116d.26 ("Complaint resolution procedures") specifically incorporates 116.6(b), which requires each SEA to establish procedures for investigating and resolving the complaints of "parents and other individuals and organizations" alleging violations of the title I Act or regulations.

Recognizing that title I migrant education projects are frequently of short duration, the final regulations call for an "appropriate accelerated procedure for resolving complaints regarding * * * projects that operate for fewer than 60 days."

Comment. A number of commenters made recommendations concerning the provision of services to preschool children. Twenty-two commenters said these regulations should encourage States to provide program services at the preschool level. Two commenters expressed concern because the definition of "preschool" varies from State to State. One commenter requested a clarification of the difference between "instructional" and "custodial" services.

Response. No change has been made. As in the interim final regulations, § 116d.39(c)—which provides, in part, that "projects designed to meet the special educational needs of preschool migratory children will be provided only if, considering the amount of funds available, these projects will not detract from the operation of projects for school-aged migratory children"—establishes a service priority in favor of school-aged migratory children. This follows the priority stated in section 122(a)(1)(D) of the Act.

In addition, as the preamble to the interim final regulations indicated (42 FR 36079), because preschool children do not generally generate funds under the statutory formula, school-aged migratory children are considered to take priority over preschool children.

Each State, of course, is free to establish the age at which free public education commences. The Act does not define the term "preschool"; however, 45 CFR 100.1 defines the term as "the educational level from a child's birth to the time at which elementary education is provided as determined under State law."

With respect to the distinction between "instructional" and "custodial" services for preschool children, § 116d.33(b), as did the interim final regulations, defines preschool instructional services as "comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills and not pri-

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marily designed for custodial purposes." This definition is believed to be sufficiently precise.

§ 116d.35 *Services to formerly migratory children.*

Comment. A number of commenters objected to the secondary service priority of formerly migratory children. Some commenters said formerly migratory children should not be required to live in a project area in order to receive services.

Response. No change has been made. Section 116d.35 provides that a "formerly migratory child may participate in a project * * * provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children." This secondary priority is required by section 122(a)(3) of the Act, which provides that currently migratory children "shall be given priority in consideration of programs and activities contained in (State application)."

Similarly, § 116d.2, which includes as part of the definition of a formerly migratory child that he or she "lives in an area served by a title I migrant education project," merely follows the statutory definition of such a child as stated in section 122(a)(3) of the Act: A "migratory child * * * shall be deemed to continue to be such a child for a period, not in excess of 5 years, during which he resides in the area served by the agency carrying on a program or project * * *."

Comment. Two commenters indicated that parental concurrence should not be required to establish a child's eligibility as a formerly migratory child. Five commenters said the regulations should not require the signature of a parent as evidence of concurrence. Two commenters objected to the interim final regulations' requirement of an annual parent signature as evidence of concurrence.

Response. A change has been made. Section 122(a)(3) of the Act requires parental concurrence as a condition of a child's eligibility as a formerly migratory child. Therefore, the definition of formerly migratory child in § 116d.2 requires "the concurrence of (the child's) parent or guardian to continue to be considered a migratory child."

However, § 116d.35 no longer requires the SEA or an operating agency to obtain the signature of a parent or guardian as evidence of concurrence. Of course, under § 116d.12 of the final regulations, an SEA or operating agency must still make for each child counted or served "a written record of the basis on which the child's eligibility was determined." As part of this written record, it may require a parental signature as evidence of concurrence.

§ 116d.37 *Parental involvement.*

Comment. A number of commenters suggested that these regulations should enlarge the scope of parental involvement in the title I migrant education program. Twenty-five commenters specifically recommended that parent advisory councils be required at the operating agency level. One commenter said the Office of Education should not approve a State application that fails to document council establishment.

Response. A change has been made. Section 116d.37 now requires parent advisory councils to be established and consulted at both the SEA and operating agency levels. These councils, which are to be consulted by the SEA and the operating agencies, must be composed of people "who know the needs of migratory children." Furthermore a majority of the members of the advisory councils at both the State and operating agency levels must be parents.

Comment. Sixteen commenters suggested that program funds should be provided for parent council activities. Five commenters said the regulations should include a detailed list of reimbursable parent council activities.

Response. No change has been made. As noted in the preamble to part 116 (41 FR 42896) and in the preamble to the interim final regulations for part 116d (42 FR 36079), the applicable standards for determining which parent council expenditures may be paid from program funds are stated in appendix B to part 100 of this chapter. (See 45 CFR 100b.81.)

Comment. Numerous commenters said the Office of Education should regulate extensively with respect to the composition, functioning, and duties of parent councils. Nine commenters said the councils should have "sign-off" authority on applications. Six commenters said parents should be permitted to appoint representatives when absent from meetings. three commenters said migratory children should be required within the membership of parent councils.

Two commenters recommended that parents of currently migratory children be given preference as members. Four commenters said the regulations should require direct communications between parent councils and the SEA. Four commenters said communication to parents on these councils should be bilingual, if necessary.

Response. A change has been made. As noted previously, § 116d.37 requires "effective parental involvement throughout the State program." In addition, § 116d.37 (a) and (b) require the establishment of parent advisory councils at both the SEA and operating agency levels. These councils which are consulted by the SEA and the operating agencies, must have parents as a majority of their members. Furthermore, these councils must be composed of people "who know the needs of migratory children."

However, the types of parental involvement and the design and operation of the parent advisory council are left to the SEA and the operating agencies which can best evaluate the particular needs of that State's or a local area's migrant population and structure an appropriate mechanism for parental participation.

It is expected, of course, that the views of these councils will be given serious consideration. These regulations require effective parental involvement. If this cannot be achieved without the use of bilingual communications, they must be employed.

Comment. Five commenters recommended a national parent advisory council.

Response. No change has been made. Title I migrant education grants are awarded to State educational agencies for programs designed at that level.

§ 116d.38 *Supporting services.*

Comment. Eight commenters requested a clarification of the circumstances under which support services may be provided.

Response. No change has been made. As under the interim final regulations, § 116d.38(a) provides that, in general, "health, welfare, or other supporting services [may be provided] with title I migrant education funds, but only if these services are necessary to enable eligible migratory children to participate effectively in instructional services." The instructional services referred to need not be funded by title I.

However, the more restrictive conditions under which title I migrant education funds may be used to support day care services are stated in § 116d.38(b).

The Commissioner believes that § 116d.38(a) establishes a simple, workable standard. It is not possible to describe every circumstance in which title I-funded support services may be provided.

Comment. Eight commenters said these regulations should permit a more liberal use of title I funds to support day care services.

Response. No change has been made. As the preamble to the interim final regulations noted (42 FR 36079), the title I statute establishes the migrant program as an "educational" program, which the Office of Education interprets as a program of instruction. Therefore, support services, including day care services, are permitted only

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to the extent that they are necessary to support attendance in an instructional program. In the case of day care services, the instructional services must be supported by title I.

Section 116d.38(b) does not alter the conditions under which title I supported day care services may be provided. However, these final regulations delete § 116d.38(c) of the interim final regulations. Given the criteria stated in § 116d.38(b), the types of information which an SEA must provide in its State application are self-evident.

§ 116d.40 *Cooperative programs.*

Comment. Thirty-two commenters recommended strengthening the requirement for interstate coordination of programs and projects. Six commenters said the regulations should encourage the interstate exchange of academic credits. Three commenters suggested requiring SEA's to share needs assessments and other program documents. Four commenters encouraged interstate reciprocity in the certification of migrant educators. One commenter requested examples of interstate coordination.

Response. A change has been made. These final regulations contain a suggested list of interstate and intrastate cooperative efforts intended to foster continuity in the education of migratory children. Thus, § 116d.32(h)—which otherwise is substantially similar to § 116d.31(b)(7) of the interim final regulations—provides that a State application must contain an "explanation of the steps the SEA will take to assure the most continuity practicable in the education of the migratory children to be served, such as the exchange of course credits, both within and among States, and the intrastate and interstate sharing of program planning, evaluation, curriculum, and staff training materials." This explanation must also describe "the information that the SEA will pass on to other SEA's, regarding the migratory children, other than through the migrant student record transfer system."

As in the interim final regulations, § 116d.33(f) provides that one criterion for approval of a State's application is that the SEA's "plan for assuring continuity in the education of migratory children includes appropriate procedures for coordinating its State program with programs in other States. * * *" Also, § 116d.10(b) clearly indicates that the intrastate and interstate coordination of programs and projects is a permissible use of title I migrant education funds.

A program assisted by these funds is designed by an SEA in response to the special educational needs of the migratory children who live in that State. Accordingly, it is felt that each SEA is best able to devise the precise means of effectively coordinating its programs with other programs and projects so as to provide continuity in the education of migratory children.

The Office of Education has no authority to regulate with respect to the licensing or certification of migrant educators.

Comment. Seven commenters said that the regulations should contain a section on the privacy and information rights of participating children and their parents.

Response. A change has been made. Section 116d.32(k) requires that a State application contain an assurance that the SEA will "transfer the educational records of the migratory children participating in the State program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students)."

GENERAL

Comment. One commenter recommended that these regulations include a statement of philosophy and intent for the program.

Response. No change has been made. A general statement of program philosophy would not be sufficiently precise to provide guidance and is not appropriate for regulations. The purposes of the title I migrant education program are clearly expressed in section 122 of the Act and in these regulations.

Comment. Several commenters suggested that these regulations should include the sections of the general title I regulations (part 116), the General Education Provisions Act, and the Office of Education General Provisions Regulations that apply to the title I migrant education program, or that are incorporated by these regulations.

Response. No change has been made. The purpose of part 116 and the Office of Education General Provisions Regulations is to avoid unnecessary repetition of regulatory provisions that apply to a variety of Federal education programs.

Comment. Two commenters requested that these regulations be written in simpler language. One commenter recommended that these regulations include examples, when helpful, to clarify individual requirements.

Response. A change has been made. These final regulations have been prepared according to the Department of Health, Education, and Welfare's Operation Common Sense. Where appropriate, examples have been included.

Comment. One commenter recommended that the requirement for financial and performance reports be deleted.

Response. No change has been made. The reports required by subparts P and Q of part 100b are authorized by section 434(b) of the General Education Provisions Act and OMB Circular No. A-102. They are necessary to maintain proper accountability.

[FR Doc. 78-31136 Filed 11-9-78; 8:45 am]

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TI- EXTRA SHEET IF NEEDED

IV. PROGRAM BUDGETING (Cont'd)

B. BUDGET DETAIL

Staff Assignments and Estimated Salaries

Obj. Code	Function Code	Name * SEE BELOW	Staff Code	FTE	% Empl. Title I-M	Encumbering Dates		TitleI-M Salary	District Salary	Total Salary
						Begins	Through			

Title I-M Salary Total $________

ALL OTHER THAN SALARIES

Obj. Code	Function Code	ITEM	

Total "All Other" Cost $________

TOTAL PROJECT COST $________

* List each position separately. If person's name isn't known, identify that position as Position #1. Next unknown would be Position #2. This information is necessary in order to follow approved positions on the fiscal report. The persons hired in these positions are to be encumbered on the fiscal report with Position # on same line as their name.

TI-M EXTRA SHEET IF NEEDED

IV. PROGRAM BUDGETING (Cont'd)

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						Begins	Through			

Title I-M Salary Total $________

* List each position separately. If person's name isn't known, identify that position as Position #1. Next unknown would be Position #2. This information is necessary in order to follow approved positions on the fiscal report. The persons hired in these positions are to be encumered on the fiscal report with Position # on same line as their name.

THE TITLE I-MIGRANT APPLICATION GUIDE

Instructions and Approval Criteria for

Completing Title I ESEA Migrant Project Applications

FISCAL YEAR 1981

For use with form PI-1730 (Rev. 1-80)

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

Barbara Thompson, State Superintendent

DIVISION OF MANAGEMENT, PLANNING AND FEDERAL ASSISTANCE

A.A. Buchmiller, Assistant Superintendent

BUREAU FOR FEDERAL PROGRAMS AND SERVICES

Alan W. Kingston, Bureau Director

TITLE I, ESEA, SECTION

Frank N. Brown, Administrator

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI of the Civil Rights Act of 1964

TITLE I ESEA SECTION

Administration

Frank N. Brown, Administrator	608-266-2699
Marcia Jacobson, Secretary	608-266-2699

Program

Consultants

Beverly Calhoun - CESA #15, Milwaukee Public Schools	608-266-2533
William Ernst - CESA #9, #10, #11	608-266-2533
Don Gehrmann - CESA #2, #12	608-266-2697
Nancy Lincoln - CESA #4, #17	608-267-7380
Kathleen Phillips - CESA #1, #8, #19	608-267-7380
Dorothy Placide - CESA #6, #14	608-266-2820
Myrna Toney - CESA #3, #16, #18	608-266-2697
James Wall - CESA #5, #7, #13	608-266-2820

Administrative Assistants

Bettejane Achtor - CESA #3, #5, #8, #11, #15, #19	608-267-7381
Una Patton - CESA #1, #6, #9, #10, #14, #16.	608-267-7381
Rick Whipp - CESA #2, #4, #7, #12, #13, #17, #18	608-267-7381

Secretaries

Janice Griswold	608-266-2697
Laura Mieden	608-266-2697
Carol Thompson	608-266-3515
Rhonda Christopher	608-266-2697

Evaluation

David Krueger, Evaluation Coordination and Reporting	608-266-3515

Fiscal

Emma Weber, Finance Officer	608-266-2690
Alan Virnig, Accountant	608-266-8053
John Norton, Accountant	608-266-8053
Bonnie Forsythe, Secretary	608-266-8053

Migrant Program

Daniel Costilla, Jr., Consultant	608-266-9616
David De Soto, Administrative Assistant	608-267-7338
Jeanne Meyer, Terminal Operator and Maintenance of Records	608-266-0925
Kathryn O'Connor, Secretary	608-266-0925

Follow Through - Lac du Flambeau

Frank N. Brown, Administrator	608-266-2699
Dorothy Placide, Consultant	608-266-2820

INTRODUCTION

Preparing an application that fully describes to the reader the project to be conducted, requires the performance of many planning activities. These have been detailed in the Migrant Education Handbook. Please read the handbook and conduct the planning activities before completing the application. The W.D.P.I. will be held accountable to the U.S. Commissioner of Education in accordance with the law, regulations and the agreement as stated in the state application. Close supervision by this office in the performance of its duties and responsibilities should eliminate the possibility of problems arising from the manner in which the projects are conducted. To be sure that all parties will abide by any agreements that are made, the application becomes the vehicle in which agreements are detailed. It is the working agreement between the W.D.P.I. and the applicant agency that has been responsible for the format of the application. The Application and the Application Guide are mutually formatted in the following manner: I, II, etc. are Sections; A., B., etc. are Items; 1., 2., etc. are Paragraphs; and a., b., etc. are Subparagraphs.

I. Applicant Agency and Assurances

This Section is self-explanatory.

II. Program Data and Descriptions

A. Estimated Numbers of Migratory Children.

Predicting the number expected to live in the area, and the number expected to be served in each grade level is very difficult. However, planning must be done using some credible sources and stated procedures for arriving at the projected numbers.

Averaging the number of migratory children who have participated during the past three years should produce a working number for each grade level, as well as for school-aged (5-17) children. A review of past years' MSRTS Transfer Forms may also serve as a basis for these statements. Along with the above methods, a survey or meeting with local crop and food processing employers may serve to arrive at projected numbers. Current and past teachers are also a valuable source for estimates. Another possible source may be State and County social service agencies, as well as private, non-profit service agencies.

B. Project Description

The project description should be general in nature yet sufficiently detailed so that all interested parties understand what the project proposes to do in the way of improving each child's achievement level. It is not necessary to describe the objectives in detail under Paragraph 1 since that is to be done under Item C. The same applies to Services under Item D, where detailed information--as stated on the Application--is requested.

C. Objectives

Achievement or performance objectives ususally include four components. Since the fourth component is addressed in Paragraph D, these objectives will require only three components. Please note that objectives are required for each grade group. There are certain limitations in writing objectives because they must be confined to general characteristics of the grade group because it is not known who the actual individuals are at this time. Past observations and knowledge will be helpful. Those who are new to writing applications for migratory children should seek technical assistance from the local applicant agency or from the Title I Migrant education office of W.D.P.I.

D. Services

This item of the application refers to staff, equipment, materials, and each specific service for each grade group. Please follow the topics to be described as noted on the application. Prepared job descriptions should be included. These will answer questions about the staff, especially those which may be raised regarding number of bilingual staff members. It should also be noted that this is the only place in the application where the listing of equipment, materials and supplies is required. The estimated cost will help in arriving at the total budget.

E. Provision for Full Service

It is not necessary to write a lengthy description. What is to be written depends primarily on the proposed staff as stated under Item D. If the number and type of staff assure full service, a summary statement will be sufficient.

III. Special Requirements

A. In-service Training

This activity is a must. While the staff may not need an extensive program of preparation to teach the migratory chilren that come to Wisconsin, the instruction of children should be a team effort. For a team to function efficiently and effectively, they must learn to work together. Orientation may or may not be a function of in-service training, however -- in the short period of time for staff preparation -- it is recommended that orientation functions be included in the in-service training program. Some in-service training activities may be difficult to describe without knowing the composition of the staff prior to their reporting for duty. However, a good description of in-service training should include alternatives for determining strengths and weaknesses on a short term basis and the contingency available for improving staff competency.

B. Parental Involvement

1. The requirements for the involvement of parents are clearly stated in the Federal regulations and the Migrant Education Handbook. The fact that the majority of the migratory children are in Wisconsin during the summer months, causes problems when it comes to involving migratory parents. Please list names of the present parent advisory council. Amend the application when additional migratory members are added to participate in the implementation and evaluation phases of the project.

2. This paragraph can be answered briefly. Stating participation activities in the planning and developing of the application and an agenda of proposed activities in the implementation and evaluation will be adequate.

C. Evaluation

This item is self-explanatory. The description of what is proposed in the way of process evaluation could be helpful in planning the project for the next year.

D. Dissemination

This item is self-explanatory.

E. Continuity

The importance of this item will increase as cooperation among the states increases. Ideas that can be stated will be helpful for future planning.

F. Innovative Features

This item is self-explanatory.

G. Contact Information on Recruiter

This item is self-explanatory.

H. Recruitment Procedures

Provide a statement of when, and how eligible migratory children will be located and enrolled into the State Migrant Education Program.

I. Regular Title I Services and Title I - Migrant Services

This item, if applicable, is self-explanatory.

IV. Program Budgeting

The Title I-Migrant budget consists of two Items: A. Budget Summary, and B. Budget Detail. It is recommended that Item B. be completed prior to completing Item A. In Item A. record the budget summary; in Item B. record the budget detail of each staff assignment and estimated salary, and the budget detail of each item under All Other Than Salaries. Please attach extra sheets as needed for the budget detail.

It is imperative that the budgeting be done as carefully as possible. The number of revisions will be limited to two (2) per year. For technical assistance contact the SEA Title I Office.

Included with these instructions are two charts of codes (see pp. 11-13). The charts include the Object Codes and Function Codes to be used in preparing the program budgeting. The "Wisconsin Elementary and Secondary School Accounting System (WESSAS) Handbook," 1980 Edition with letters of code changes, should be studied prior to coding the program budgeting. For Fiscal Year 80-81 the only Function Codes to be entered are the WESSAS Function Codes on page 13 of this TI-M Application Guide, and the Function Codes printed on the Budget Summary (Item A. at p. 11). Please note that the final three digits are triple zeroes.

County Code, LEA Code - Enter your designated county and LEA numbers, such as 01-1234 or 22-5678.

Applicant Agency - Enter your district's full legal name.

Project Period - Enter the anticipated operational period of your Title I-Migrant program under this specific project. This information is essential to start funding.

Students - Enter starting and ending dates when actual Title I-M services commence and end.

ITEMS OF CONCERN

Food cost reports are to be submitted to the School Lunch Division as follows:

1. Submit a calendar month report for each project operating during the month plus a composite report for the total of the respective calendar month. Request the amount allowed on each from School Lunch so as to be able to credit correct amounts to respective project.
2. Report each calendar month on a separate report. Do not overlap months. That is, June is to be on the June report, likewise July activity on the July report.
3. Reports for the month ending June 30 will not be accepted after August 15.

4. Do not submit a calendar month report until you have the full amount collected from adults for the respective calendar month being reported.
5. If cooks or any other food service personnel are employed at a site even if Title I-M is not in operation there, proration of that salary is not allowed when Title I-M is served.
6. Fiscal reports must reflect monies collected for meals.
7. It is requested that all purchases of food be itemized as well as all the reimbursements received. This itemized information should be attached to each fiscal report submitted and carried as cumulative figures.

ITEMS OF CONCERN - General

1. Service rendered before the approval date cannot be reimbursed with Title I-M funds.
2. The date herein indicated as the starting date for each staff member is the ENCUMBERING DATE for that person's salary. This date must be specific as to the day, month, and year.
3. In cases where names are not presently known, this is to be noted in the Name column, with the names submitted as soon as they are known. See the sample in the following pages.
4. Total budgeted amounts indicated on this budget for materials, equipment and inservice are maximum totals for cumulative requests submitted for this project.
5. In the event that there is need for a budget revision, one copy of each affected budget page must be submitted.

A. Budget Summary

Object and Function Codes - Enter on the respective lines the totals from the Budget Detail.

Line 23 equals the grand total of all program budgeting. Funds may be transferred among the various budget line totals to the extent necessary to assure project effectiveness provided that:

(a) the change is in line with the approved program purpose; and

(b) the deviation is no more than 10% of a line total and that the cumulative amount of transfers does not exceed 5% of budget grand total.

If a budget change exceeding the above is necessary, a budget revision must be submitted for approval to the SEA Title I-M program consultant.

B. Budget Detail

For purposes of budgeting, expenditures are to be broken down according to the Charts of Object Codes, and Function Codes (pp.11-13).

Object Code - Enter according to numbers listed in chart of object codes.

Function Code - Enter according to numbers listed in the chart of function codes.

Name or Item - Enter full name of employee or describe other expenses. In cases where names are not presently known, this is to be entered as a distinct "Position #" for each unknown within a particular line of object and function code. See the footnote on each budget page, and the sample of entries for unknown names, on the following page.

TI-M

			IV.
(Sample entries)			B. Staff Assignm
Obj. Code	Function Code	SEE Name * BELOW	Staff Code
100	110-000	Tomas Perez	.01
100	110-000	Position #2	.01
100	110-000	Position #2	.01
100	257-000	Leticia Bustos	Cook
100	257-000	Position #2	Cook-aide
100	214-000	Norma Shore	.20
100	217-000	Position #1	Recruiter

Staff Code - Enter according to the following chart.

CLASSIFICATION OF ASSIGNMENTS

Teaching	.01
Teacher Aide	.02
Supervision	.04
Direction & Management (Admin.)	.07
Counseling	.15
Psychologist	.16
Testing	.17
Social Work	.18
Nurse	.20
Physician	.21
Dentist	.22
Clerical	.10
Other (Specify)	

FTE - An employee that is employed full-time, even though his time might be divided between district and Title I-M is listed 1.00. If an employee is employed less time, such as 4 days a week, even though his time is divided between district and Title I-M he is listed as .80.

% Employed Title I-M - An employee working full-time in Title I-M is recorded as 100%. If employed in Title I-M half time, record as 50% in Title I-M.

Encumbering Dates/TI-M Salary/District Salary/Total Salary - Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort. Under Items "All Other Than Salaries," budget expenditures are also to be detailed according to the charts of object codes and function codes.

Personnel Services - Amounts charged for personnel services will be based on payrolls documented and approved in accordance with generally accepted practice. Payrolls must be supported by time and attendance or equivalent records for individual employees.

Employee Benefits - Budget according to dollars budgeted for each employee.

CHART OF OBJECT CODES

Title I-MIGRANT ESEA

100 - Salaries

200 - Employee Benefits

210 Retirement
211 Employees Share - Retirement
212 Employers Share - Retirement
220 Social Security
230 Life Insurance
240 Health Insurance
249 Other Health Insurance
250 Other Employee Insurance
251 Disability Insurance
260 Employee Physical Exams
290 Other (Specify)
291 College Credit Reimbursement

300 - Purchased Services

310 Personal Services (includes inservice stipends, includes inservice consultants, includes babysitting for PAC)
330 Utilities
324 Maintenance Services (includes maintenance service contracts, includes vehicle repairs)

340 - Travel

341 Pupil Transportation (includes transporting Title I-M pupils to and from school, field trips)
342 Staff Travel
349 Other (Specify) (inservice lodging, inservice travel, car insurance, PAC travel)

350 - Communication

351 Advertising
352 Photography
353 Postage
354 Printing (copying)
355 Telephone
359 Other (Specify)

360 - Data Processing (Specify)

370 - Educational Services (Specify) (CESA - hired personnel)

390 - Other Purchased Services (Specify)

400 - Non-Capitol Objects

410 Supplies (Instructional, including food for instruction)
412 Classroom
413 Office
414 Custodial
415 Food (Inservice, PAC, Field Trips)
416 Medical
418 Petroleum (Gas and oil for vehicles, also for Title I-M busing)
419 Other (Specify)
441 Apparel (Clothing)

420 - Materials (Specify)

430 - Media

431 Audio-Visual
432 Library Books
433 Newspapers
434 Periodicals
435 Realia
439 Other Media (Specify)

530 - Buildings

537 Rental

540 - Building Components/Remodeling (Specify)

550 - Equipment

551 Purchase - Addition
552 Purchase - Replacement
557 Rental

560 - Vehicles

561 Purchase - Addition
562 Purchase - Replacement
567 Rental

700 - Insurance

711 Liability
712 Property Insurance
713 Workmans Compensation
719 Other (Specify)
730 Unemployment Compensation
790 Other (Specify) (Student coverage - errors and omissions)

940 - Dues and Fees (Includes registration for inservice)

CHART OF FUNCTION CODES

WESSAS CODE	FUNCTION DESCRIPTION
110 000	UNDIFFERENTIATED CURRICULUM
120 000	REGULAR CURRICULUM
217 000	ATTENDANCE
214 000	HEALTH
220 000	INSTRUCTIONAL STAFF
239 000	OTHER GENERAL ADMINISTRATION
253 000	OPERATION
254 000	MAINTENANCE
256 000	PUPIL TRANSPORTATION
257 000	FOOD SERVICE
262 000	SYSTEMOLOGY
270 000	INSURANCE AND ADJUSTMENTS
452 000	CESA TRANSACTIONS

APPENDIX D

federal register

MONDAY, NOVEMBER 13, 1978
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GRANTS TO STATE EDUCATIONAL AGENCIES

Migratory Children

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[4110-02-M]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 116d—GRANTS TO STATE EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Educationally Deprived Children

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

SUMMARY: These final regulations are required by section 503 of the Education Amendments of 1972 and establish the rules governing the allocation, distribution, and use of grants under section 122 of title I of the Elementary and Secondary Education Act of 1965. These grants are awarded to State educational agencies to conduct programs and projects designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the FEDERAL REGISTER. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION CONTACT:

Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3523, ROB-3), Washington, D.C. 20202, telephone 202-245-2427.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A notice of proposed rulemaking published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28622), proposed to amend title 45 of the Code of Federal Regulations by adding a new part 116d. This would govern the program authorized by section 122 of title I of the Elementary and Secondary Education Act, as amended by Pub. L. 93-380 (Education Amendments of 1974) (20 U.S.C. 241c-2).

Interim final regulations were published in the FEDERAL REGISTER on July 13, 1977 (42 FR 36076). These included a discussion of the comments received in response to the notice of proposed rulemaking. The preamble to these interim final regulations (which took effect on September 6, 1977) announced that, in addition to conducting five public hearings, the Office of Education would accept written comments on the interim final regulations through August 29, 1977.

A subsequent FEDERAL REGISTER notice on October 27, 1977 (42 FR 56608), announced that three additional hearings would be held, and that the comment period would be extended through December 9, 1977.

As reorganized, Part 116 (published in the FEDERAL REGISTER on September 28, 1976 at 41 FR 42894) contains provisions applicable to all title I programs. Therefore, part 116, part 116d, and the applicable provisions of 45 CFR Parts 100, 100a, 100b, and 100c (the Office of Education General Provisions Regulations) constitute all of the regulations governing Title I programs conducted by State educational agencies for migratory children of migratory agricultural workers or migratory fishers.

These regulations do not implement the changes in the title I, migrant program that will be made by the Education Amendments of 1978, expected to be enacted in the near future. Instead, these final regulations are being published now in response to the large amount of public comment received on the 1977 interim final regulations and to implement the Department's Operation Common Sense. These regulations clarify apparent misinterpretations of the interim final regulations and, where desirable, make many of the regulatory changes requested by the public. It is also believed that, thus improved, these regulations are consistent as far as possible with the intent of Congress in enacting the Education Amendments of 1978. Broad public participation will again be sought in implementing the changes necessitated by the 1978 amendments. Therefore, a notice of proposed rulemaking that reflects both the 1978 amendments and additional administrative experience may be anticipated in the near future.

SECTION 503—PROCEDURES AND EFFECT

Section 503 of the Education Amendments of 1972 requires the Commissioner to: (a) Study all rules, regulations, guidelines, or other published interpretations or orders issued by him or her or the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; (b) report to the Committee on Labor and Public Welfare (now the Committee on Human Resources) of the Senate and the Committee on Education and Labor of the House of Representatives concerning this study; and, (c) publish in the FEDERAL REGISTER these rules, regulations, guidelines, and orders with an opportunity for public hearings on the published matters.

These regulations reflect the results of this study as it pertains to programs authorized under section 122 of title I of the Elementary and Secondary Education Act, as amended. At present, there are no guidelines relating to part 116d.

CITATION OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of these regulations has been placed in parentheses on the line following the text of the section.

SUMMARY OF CHANGES FROM THE INTERIM FINAL REGULATIONS

The final regulations have been written according to the principles of the Department's Operation Common Sense. The purpose of Operation Common Sense is to produce readable and understandable regulations that reflect Congressional intent and that do not unnecessarily regulate recipients of Federal funds, including State and local governments. Therefore, numerous changes in wording have been made to promote clarity and ease of understanding. In response to public comment and further program experience, some provisions have been added to the final regulations, some provisions of the interim final regulations have been clarified, and some have been deleted.

Most importantly, these final regulations:

(1) Clarify and expand the definitions of "agricultural activity," "currently migratory child," and "formerly migratory child";

(2) Strengthen the requirement that an eligible child will not be prevented from benefiting fully from title I migrant education services because of limited English language skills;

(3) Strengthen the requirements for parental involvement and require parent advisory councils at both the State and operating agency levels;

(4) Clarify that the Commissioner does not require a State to obtain documentary evidence of eligibility or civil status from a migratory child or his or her parent or guardian;

(5) Clarify the conditions under which the Commissioner or a State educational agency (SEA) may enter into a special arrangement with a public or nonprofit private agency;

(6) Delete the requirement that a State obtain annually the signature of the parent or guardian of each participating formerly migratory child;

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(7) Clarify a State's obligation to [illegible]entify and recruit all eligible migratory children; and

(8) Clarify the extent to which a State must utilize the migrant student record transfer system.

The vast majority of the changes in the final regulations do not, however, effect a substantive change in the title I migrant education program. The following list of sections of the final regulations summarizes in greater detail the substantive changes made from the interim final regulations. Specific responses to comments received on the interim final regulations are published in the appendix to these final regulations.

§ *116d.1* No change.

§ *116d.2* The definition of "agricultural activity" has been clarified and expanded to include "any activity directly related to the cultivation or harvesting of trees."

For clarity, a new definition of "formerly migratory child" has been added. This provides that a formerly migratory child is one "who: (a) Was eligible to be counted and served as a currently migratory child within the past 5 years, but is not now a currently migratory child; (b) lives in an area served by a title I migrant education project; and (c) has the concurrence of his or her parent or guardian to continue to be considered a migratory child."

Also, a definition of the term "operating agency" has been added, which includes both local educational agencies and other public and nonprofit private agencies.

§ *116d.3* No change.

§ *116d.4* This is a new section. However, it merely restates § 116d.3(c) of the interim final regulations.

§ *116d.5* No change. However, this section has been reworded to clarify that in conducting a State program, an SEA may act in one or more of three ways. First, the SEA may act directly. Second, it may make a subgrant to an LEA or a group of these agencies. Third, it may enter into a special arrangement with a public or nonprofit private agency.

§ *116d.6* Several changes have been made. Under this section the application of an operating agency must now include a description of how the operating agency will comply with the requirements for soliciting parental involvement and for establishing and consulting with a parent advisory council. The operating agency must also describe how it will assure that eligible children are not prevented from benefiting fully from the project because of limited English language skills.

The requirement in § 116d.6(b) of the interim final regulations that SEA's routinely forward to the Commissioner copies of the applications of operating agencies has been deleted. Section 116d.6(b) now requires SEAs to forward only those applications that are requested by the Commissioner.

§§ *116d.7* through *116d.11* No change.

§ *116d.12* Section 116d.12 has been rewritten to clarify that an SEA or operating agency must make a written record of the basis on which eligibility has been determined for each child who is counted or served.

Additional language has been added to clarify that a State is not required to obtain documentary proof of eligibility or civil status from the child or his or hér parents or guardian. Instead, the State may rely on credible information provided by the child or his or her parents or guardian.

§§ *116d.21* through *116d.23* No change.

§ *116d.24* This is a new section. It states the conditions under which an SEA may enter into a special arrangement with a public or nonprofit private agency to conduct a project. These conditions parallel those under which the Commissioner may make a special arrangement under § 116d.25.

§ *116d.25* This section establishes the conditions under which the Commissioner may enter into a special arrangement. It restates § 116d.24 of the interim final regulations, and the conditions follow those provided in section 122(a)(2) of the Act. This section also provides that the Commissioner may not enter into a special arrangement until after the affected SEA has had notice and been given an opportunity for a hearing.

§ *116d.26* This is a new section. It clarifies that § 116.6(b), pertaining to complaint resolution procedures, applies to an SEA's administration of the State program. It also requires the SEA to develop appropriate complaint resolution procedures for projects that last fewer than 60 days.

This section clarifies that the Commissioner may review an SEA's resolution of a complaint and, when necessary, issue additional orders or enter into a special arrangement.

§ *116d.31* This section merely restates § 116d.31(a) of the interim final regulations.

§ *116d.32* This section, which replaces § 116d.31(b) of the interim final regulations, makes several changes. It requires that a State application contain:

(a) A description of the State's efforts to identify and recruit all eligible migratory children;

(b) An appropriate explanation, if the State proposes to serve fewer than the number of identified eligible school-aged migratory children;

(c) A description of the measures the SEA will take to assure that an eligible child is not prevented from benefiting fully from program services because of limited English language skills; and

(d) An assurance that the SEA will transfer the educational records of participating children in accordance with the Family Educational Rights and Privacy Act of 1974.

In addition, this section provides some examples of intrastate and interstate coordination in connection with the requirement that an SEA take steps to provide continuity in the education of participating migratory children.

§ *116d.33* No change. This section restates § 116d.31a of the interim final regulations.

§ *116d.34* No change. This section restates § 116d.32 of the interim final regulations.

§ *116d.35* This section deletes the requirements, imposed by § 116d.35(c) of the interim final regulations, that the eligibility of each formerly migratory child must be supported by the signature of a parent or guardian—as proof of parental concurrence for the child's participation—and that this signature must be secured annually.

§ *116d.36* No change.

§ *116d.37* Several changes have been made. This section now provides that "each SEA shall take the necessary steps to assure effective parental involvement throughout the State program."

It also requires parent advisory councils at both the State and operating agency levels. States may establish parent advisory councils at the operating agency level now, for operations during fiscal year 1979. In any event, § 116d.37 shall apply to SEA applications submitted for fiscal year 1980 funds.

Finally, it provides that a majority of the membership of both State and operating agency advisory councils must be comprised of parents of children served.

§ *116d.38* A change has been made. This section deletes § 116d.38(c) of the interim final regulations, which stated the types of information that an SEA must include in its application in support of its request to use title I migrant education funds to provide day care services.

The new section, however, maintains the requirement that the Commissioner's specific approval for this type of expenditure of program funds is needed, and it does not alter the criteria by which the Commissioner will evaluate these requests.

§ *116d.39* Two changes have been made. First, the final regulations require that the Commissioner determine, before approving a State application, that the "SEA has made every

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reasonable effort to identify and recruit all eligible currently and formerly migratory children."

Second, this section clarifies that full utilization of the migrant student record transfer system, which is required of all States, includes "the transfer of the most current academic and health information available for the children served."

§§ *116d.40 and 116d.41* No change.

After consideration of the comments received, part 116d of title 45 of the Code of Federal Regulations is amended to read as follows.

(Catalog of Federal Domestic Assistance No. 13.429, Educationally Deprived Children—Migrants.)

Dated: September 25, 1978.

John Ellis,
Acting U.S. Commissioner of Education.

Approved: October 30, 1978.

Joseph A. Califano, Jr.,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by revising part 116d as set forth below:

Subpart A—General

Sec.
116d.1 Applicability of regulations.
116d.2 Definitions.

Subpart B—Managerial Responsibilities of State Educational Agencies

116d.3 State applications.
116d.4 Annual program plans.
116d.5 Designation of operating agencies.
116d.6 Participation of operating agencies.
116d.7 Supervision of State programs.
116d.8 Amendments to applications.
116d.9 Title and control of property.
116d.10 Sources of funds for State administration.
116d.11 Adjustment of funds not needed by an operating agency.
116d.12 Child eligibility.
116d.13-116d.20 [Reserved]

Subpart C—Amounts Available for Grants and Payments

116d.21 Total amount available for grants.
116d.22 Entitlements.
116d.23 Payments.
116d.24 Special arrangements with the State educational agency.
116d.25 Special arrangements with the Commissioner.
116d.26 Complaint resolution procedures.
116d.27-116d.30 [Reserved]

Subpart D—Program Requirements

116d.31 Use of program funds.
116d.32 Contents of State applications.
116d.33 Programs of instruction for preschool migratory children.
116d.34 State budgets.
116d.35 Services to formerly migratory children.
116d.36 Comparable access to State and locally funded educational facilities and services.
116d.37 Parental involvement.
116d.38 Supporting services.
116d.39 Criteria for the approval of State applications.
116d.40 Cooperative programs.
116d.41 Disapproval of State applications.

Authority: Sec. 101(a)(2)(E), Pub. L. 93-380, 88 Stat. 492 (20 U.S.C. 241c-2), unless otherwise noted.

Subpart A—General

§ 116d.1 Applicability of regulations.

These regulations govern programs and projects to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers. Section 122 of title I of the Elementary and Secondary Education Act of 1965 ("the Act") authorizes the Commissioner to award grants to State educational agencies (SEA's) to support these programs and projects. Unless otherwise noted, these grants are also subject to the provisions of two other parts of this chapter: Part 116, general requirements that apply to all title I programs, and the applicable provisions of parts 100, 100a, 100b, and 100c, relating to fiscal, administrative, property management, and other matters.

(20 U.S.C. 241c-2.)

§ 116d.2 Definitions.

"Agricultural activity" means:

(a) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(b) Any activity directly related to the cultivation or harvesting of trees; or

(c) Any activity directly related to fish farms.

"Currently migratory child" means a child:

(a) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(b) Who has moved within the past twelve months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

"Day care services" means the custodial care of children or infants that satisfies the standards of applicable State law.

"Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

"Formerly migratory child" means a child who:

(a) Was eligible to be counted and served as a currently migratory child within the past 5 years, but is not now a currently migratory child;

(b) Lives in an area served by a title I migrant education project; and

(c) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

Note.—There is a total of 6 years of program eligibility—a 1-year status as a "currently migratory child" and up to 5 additional years as a "formerly migratory child."

For the purpose of this definition, "area served by a title I migrant education project" means any portion of the geographic area that is within the legally prescribed boundaries of a local educational agency (LEA) or a combination of these agencies, and within whose boundaries there are currently or formerly migratory children who are receiving title I migrant education services or who will receive these services within the current program period.

"Guardian" means:

(a) A person who has been appointed to be the legal guardian of the child through formal proceedings in accordance with State law; or

(b) A person who the SEA determines would be appointed to be the legal guardian of the child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(c) A person standing in the place of a parent to the child.

"Migratory agricultural worker" means a person who has moved from one school district to another—or, in a State that is comprised of a single school district, from one school administrative area to another—within the past 12 months to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

"Migratory fisher" means a person who has moved from one school district to another—or, in a State that i comprised of a single school district from one school administrative area to another—within the past 12 months to enable him or her to obtain temporary or seasonal employment in a fishing activity.

"Operating agency" means an LEA to which an SEA makes a subgrant o title I migrant education funds, or public or nonprofit private agenc with which an SEA makes a special a

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rangement to carry out a title I migrant education project.

"Project" means one or a set of activities that:

"(a) Is composed of instructional services, or supporting services as explained in § 116d.38, or both;

(b) Is provided by an SEA directly, though an LEA, or through a public or nonprofit private agency to migratory children living in a particular area of a State, and

(c) Is designed to meet the objectives of a State program under § 116d.32(e).

"State program" means an overall plan for services, activities, personnel, and materials included in an SEA's application for a grant under § 116d.3 to meet the special educational needs of migratory children.

(20 U.S.C. 241c-2.)

Subpart B—Managerial Responsibilities of State Educational Agencies

§ 116d.3 State applications.

(a) *General.* To receive a grant, an SEA shall submit to the Commissioner an application that:

(1) Is in the form required by § 100a.43 of this chapter;

(2) Is signed by the chief executive officer of the SEA or by his or her designated representative;

(3) Contains all the assurances and other information required by §§ 116d.5, 116d.7, 116d.8, 116d.32, 116d.34, and 116d.36 of this part and by part 116 of this chapter; and

(4) Requests approval to use, during the fiscal year covered by the application, any title I migrant education funds made available to the SEA for the preceding fiscal year, but not yet obligated by it.

(b) *Receipt of applications.* The Commissioner may decline to consider applications that are received after the date established for their receipt.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.4 Annual program plans.

An application that is submitted under § 116d.3 constitutes the annual program plan as required by section 434(b) of the General Education Provisions Act and must conform to the requirements of that section.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.5 Designation of operating agencies.

An SEA shall identify in its application the agency or agencies that it has designated to operate the State program. If all or part of a State program is to be operated directly by the SEA, the State shall identify in its application its personnel and other resources, including any resources that will be made available to it by contract or other arrangement, that will be employed to conduct the State program. If all or part of a State program is to be operated through one or more LEA's as subgrantees or through one or more special arrangements with public or nonprofit private agencies, the SEA shall identify them in its application.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.6 Participation of operating agencies.

(a) If all or part of a State program is to be conducted through one or more operating agencies, the SEA shall require each of them to submit to it an application that includes:

(1) A description of the project to be carried out by the operating agency;

(2) An explanation of the relationship between the project and the State program;

(3) The objectives to be achieved for each grade group;

(4) The estimated number of eligible migratory children living in the area to be served by the project, and the estimated number of these children who will be served. If the operating agency proposes to provide migrant education program services, other than the identification and recruitment of children and the transfer of records, to fewer eligible school-aged migratory children than the number of these eligible children living in the area, it shall explain why;

(5) A description of each service to be provided and its estimated cost;

(6) The types and number of staff to be employed;

(7) A description of how the operating agency will comply with § 116d.37(a); and

(8) A description of how the operating agency assures that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills.

(b) The SEA shall review the applications of operating agencies and approve only those that comply with these regulations and conform to the State program approved by the Commissioner. The SEA shall send a copy of any approved applications (including any amendments) that are requested by the Commissioner, within ten days of the request.

(c) Each operating agency shall maintain records of all financial transactions relating to the project for the period of time required by section 434(a) of the General Education Provisions Act. Each operating agency shall also provide timely financial reports (including the financial status report prescribed by § 100b.403 of this chapter) to the SEA.

(d) An operating agency may not obligate, within the meaning of § 100b.55(c) of this chapter, title I migrant education funds before:

(1) The effective date of the SEA's approved application; or

(2) The date on which the operating agency's application is submitted to the SEA in substantially approvable form, whichever is later.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.7 Supervision of State programs.

Each SEA shall describe in its application the procedures and resources that it will use to assure that projects are carried out in accordance with its State application as approved by the Commissioner.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.8 Amendments to applications.

Under the following circumstances, an SEA shall submit to the Commissioner an amendment to its application—including an application to use funds made available for the previous fiscal year, but not yet obligated—that is signed by that agency's chief executive officer or his or her designated representative:

(a) When the SEA materially changes its administration of the approved State program, including its organization, policies, or operations;

(b) As soon as any information becomes available that is required by these regulations, but was not previously submitted; or

(c) If changes are made in the laws, such as appropriation laws governing the approved State program, and the Commissioner indicates that an amendment is required because of those changes.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.9 Title and control of property.

(a) Except as provided by paragraph (b) of this section, an SEA shall maintain title to and control over all property that is acquired with its Title I migrant education funds.

(b) If a State law requires that an agency of the State other than the SEA maintain title to, or administrative control over, property that is acquired with title I migrant education funds, the SEA shall arrange for these functions to be carried out by the appropriate State agency. That State agency shall then be responsible for the proper exercise of these functions. However, the SEA shall retain the right to use, move, or otherwise dispose of this property in a manner designed to carry out most effectively the State program.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.10 Sources of funds for State administration.

(a) *State administrative funds.* In administering title I programs for migratory children, the SEA shall use funds provided under section 143(b) of the Act to perform only those functions that are the same or similar to the administrative functions carried out by the SEA in connection with programs and projects under parts 116a, 116b, and 116c of this chapter. These functions include the:

(1) Preparation of the SEA's application to be submitted to the Commissioner;

(2) Design, publication, and distribution to operating agencies of the application, evaluation, performance, and financial report forms, and the appropriate instructions;

(3) Provision of technical assistance to operating agencies in developing their applications;

(4) Review of applications and reports from operating agencies;

(5) Monitoring of projects for compliance with the State program;

(6) Design, publication, and final preparation of the evaluation, performance, and financial reports that the SEA submits to the Commissioner;

(7) Maintenance of fiscal control and fund accounting; and

(8) Dissemination of information.

(b) *Program funds.* The SEA shall use title I funds made available for programs and projects under section 122 of the Act to perform only those functions that are unique to the title I migrant education program, or that are the same or similar to the functions performed by LEA's in the State under part 116a of this chapter. These functions include the:

(1) Statewide identification and recruitment of eligible migratory children;

(2) Intrastate and interstate coordination of programs and projects;

(3) Coordination of programs, and projects with other public and private agencies;

(4) Operation of the migrant student record transfer system;

(5) Processing of reports that are submitted by operating agencies under § 116d.6;

(6) Maintenance of inventories of property that is acquired with title I migrant education funds;

(7) Negotiation and awarding of contracts; and

(8) Evaluation activities of the State program, other than the design of evaluation report forms and the final preparation of the SEA's evaluation report to the Commissioner.

(20 U.S.C. 241c-2; 241g; 1232c(b).)

§ 116d.11 Adjustment of funds not needed by an operating agency.

(a) Each SEA that receives a title I migrant education grant shall issue to operating agencies a set or rules that prohibits the imprudent, wasteful, or extravagant expenditure of these funds. To promote the efficient administration of the State program, the SEA shall include in these rules a provision that permits the SEA to make appropriate adjustments to its subgrants and special arrangements to avoid paying funds to an operating agency in excess of its actual needs.

(b) These adjustments shall be based on periodic reports of the operating agency's actual expenditures. Following an adjustment, the SEA may increase the funding of one or more other operating agencies that demonstrate a need for additional funds. Each operating agency affected by an adjustment shall amend its project application to reflect that adjustment and shall note the adjustment in its final financial report.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.12 Child eligibility.

An SEA or an operating agency shall not count a child under § 116d.21 or provide program services to that child until the agency has:

(a) Determined that the child is either a currently or formerly migratory child, as defined under § 116d.2; and

(b) Made a written record of the basis on which the child's eligibility was determined.

In determining eligibility, SEA or an operating agency may rely on credible information from any source, including that provided by the child or his or her parent or guardian. An SEA is not required to obtain documentary proof of either the child's eligibility or civil status from the child or his or her parent or guardian.

(20 U.S.C. 241c-2; 1232c(a); 1232c(b).)

§§ 116d.13–116d.20 [Reserved]

Subpart C—Amounts Available for Grants and Payments

§ 116d.21 Total amount available for grants.

The Commissioner determines for each fiscal year the total amount of the title I migrant education grant for which the SEA in each State (including the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, Wake Island, the northern Mariana Islands and the Trust Territory of the Pacific Islands) may apply according to sections 122(b), 124, and 125 of title I of the Act and section 843(d) of Pub. L. 93-380. The Commissioner determines these total amounts on the basis of the number of eligible migratory children in each State as shown by the migrant student record transfer system or by any other system that the Commissioner believes most accurately reflects the actual number of eligible migratory children.

(20 U.S.C. 241c-2; 241c-4; 241-5.)

§ 116d.22 Entitlements.

(a) *Entitlement based on the estimated cost of the program.* The SEA of each State is entitled to receive a title I migrant education grant in the amount that the Commissioner determines necessary to carry out its approved State program. Except as provided by paragraph (d) of this section, this amount may not exceed the total amount available to that State as determined by the Commissioner under § 116d.21.

(b) *Informational basis for determining the amount of entitlement.* The Commissioner determines the amount of the title I migrant education grant that an SEA is entitled to receive on the basis of the current information available to the Commissioner at the time that the application is approved. This includes information about the number of children to be served and the nature and scope of the State program. The Commissioner may adjust this amount later in the fiscal year on the basis of additional information available then.

(c) *Consideration of the cost of past and future activities and the amount of funds available.* The information on which the Commissioner determines the amount of the title I migrant education grant to which an SEA is entitled includes:

(1) The total amount for which the SEA may apply as determined under § 116d.21;

(2) The cost of completed program activities under previous grants, and the number of children who were served;

(3) The estimated cost of activities not yet begun under the preceding grant, and the number of children who will be served;

(4) In the case of a request for an increase in the grant amount previously determined by the Commissioner to be needed to carry out the State program, the estimated cost of providing additional program services before the end of the grant period and the number of children who would receive additional services; and

(5) The unused amount of the SEA's preceding title I migrant education grant.

(d) *Reallocation of excess funds.* If the Commissioner determines that the total amount for which an SEA may apply, as determined under § 116d.21, exceeds the amount that is deter

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mined under this section to be needed to carry out its State program, the Commissioner may allocate some or all of this excess to one or more other SEA's whose total amounts under § 116d.21 would otherwise be insufficient to serve the eligible migratory children in those States.

(20 U.S.C. 241c-2; Sen. Rep. No. 634, 91st Cong., 2d Sess. 12-13 (1970).)

§ 116d.23 Payments.

The Commissioner shall make all payments of title I migrant education funds based on the requirements of subpart E of part 100b of this chapter. The amount of these payments to an SEA may not exceed the amount to which the Commissioner determines that the SEA is entitled under § 116d.22, nor may it exceed the amount obligated under § 100b.55(c) of this chapter during the period covered by the application.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.24 Special arrangements with the State educational agency.

An SEA may make a special arrangement with a public or nonprofit private agency or agencies to carry out a project if the SEA determines that:

(a) An LEA is unable or unwilling to conduct a project as defined in § 116d.2;

(b) The arrangement would result in more efficient and economic administration of the State program; or

(c) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(20 U.S.C. 241c-2.)

§ 116d.25 Special arrangements with the Commissioner.

(a) The Commissioner may make a special arrangement with a public or nonprofit private agency or agencies to carry out the purposes of section 122 of title I of the Act, if the Commissioner determines that:

(1) An SEA is unable or unwilling to conduct educational programs for the migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of these programs and projects; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) The Commissioner may use all or part of the total amount of the title I migrant education grant as determined under § 116d.21, and which otherwise would have been made available to the affected SEA, to enter into one or more special arrangements.

(c) The Commissioner may not enter into a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(20 U.S.C. 241c-2.)

§ 116d.26 Complaint resolution procedures.

(a) An SEA shall comply with § 116.6(b) of this chapter regarding complaint resolution procedures. In addition, an SEA shall establish an appropriate accelerated procedure for resolving complaints regarding title I migrant education projects that operate for fewer than 60 days.

(b) The Commissioner may review an SEA's resolution of a complaint. After the review the Commissioner may, when appropriate:

(1) Issue an order to the SEA prescribing additional actions to be taken by that agency to resolve the complaint; or

(2) Implement a special arrangement under § 116d.25.

(20 U.S.C. 241c-2.)

§§ 116d.27-116d.30 [Reserved]

Subpart D—Program Requirements

§ 116d.31 Use of program funds.

An SEA shall use title I funds made available for programs and projects under section 122 of the Act only to perform the functions described in § 116d.10(b) and to support projects.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.32 Contents of State applications.

Each SEA shall include the following in its application:

(a) A list of the areas within the State where eligible currently migratory children are expected to live and eligible formerly migratory children are living. This list shall include the estimated dates on which the currently migratory children will arrive in and depart from these areas;

(b) Estimates of the number of eligible currently and formerly migratory children, by category, expected to live, or living, in the State. The SEA shall support these estimates by explaining how it arrived at them and by describing its efforts to identify and recruit all eligible currently and formerly migratory children;

(c) The number of eligible currently and formerly migratory children, by category, expected to be served. If the SEA expects to provide migrant education program services—other than the identification and recruitment of children and the transfer of records—to fewer eligible school-aged migratory children than the numbers estimated in the preceding paragraph, it shall explain why;

(d) A summary of the information—including information from other SEA's and from the migrant student record transfer system—that the SEA has regarding the special educational needs of the migratory children expected to live or living in the State during the period covered by the application. This summary must demonstrate that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of these children and must include a description of the measures that the SEA will take to assure that a migratory child is not prevented from benefiting fully from the services provided by the title I migrant education program because he or she does not speak English or has limited English language skills;

(e) A detailed statement of the objectives, including performance criteria, of the state program, and how these objectives will be achieved. This statement must include:

(1) A description of each service to be provided and the estimated number of children by age and anticipated grade placement—including eligible children that are or will be enrolled in private schools—expected to receive each service;

(2) A description of any inservice training required, including the types of training, the types and number of staff members who will participate, and the frequency of their participation; and

(3) An estimate of the types and number of staff to be employed, as well as the facilities and materials to be used.

(f) A statement of how the effectiveness of the State program will be evaluated as required by § 116.43;

(g) A description of how the SEA will comply with § 116d.37(b);

(h) An explanation of the steps the SEA will take to assure the most continuity practicable in the education of the migratory children to be served, such as the exchange of course credits, both within and among States, and the intrastate and interstate sharing of program planning, evaluation, curriculum, and staff training materials. This explanation must also include a description of the information that the SEA will pass on to other SEA's regarding the migratory children, other than through the migrant student record transfer system;

(i) A description of the functions and staff salaries that the SEA proposes to charge to administrative funds under § 116d.10(a);

(j) A description of how the SEA proposes to comply with the requirements of § 116.45 of this chapter concerning the dissemination of public information; and

(k) An assurance that the SEA will transfer the educational records of the

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migratory children participating in the State program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students).

(20 U.S.C. 241c-2; 1232c(b); 1232g(b).)

§ 116d.33 Programs of instruction for preschool migratory children.

Instructional services designed to meet the special educational needs of preschool migratory children—as distinguished from day care or other supporting services under § 116d.38—are:

(a) Limited to children who are under the age at which public elementary education is provided under State law;

(b) Comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not primarily designed for custodial purposes; and

(c) Conducted by or under the direct supervision of a person who is qualified under State law to conduct the activities referred to in subsection (b).

(20 U.S.C. 241c-2.)

§ 116d.34 State budgets.

The SEA shall include in its application a detailed budget in the form prescribed by the Commissioner showing:

(a) The estimated total cost of meeting the SEA's objectives, including the estimated cost of each service, as described in § 116d.32(e).

(b) An estimate of the unobligated funds available from the preceding fiscal year's appropriation; and

(c) The amount of funds requested from the current fiscal year's appropriation.

(20 U.S.C. 1232c(b).)

§ 116d.35 Services to formerly migratory children.

A formerly migratory child may participate in a project that includes currently migratory children or may participate in a project developed solely for formerly migratory children, provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children.

(20 U.S.C. 241c-2.)

§ 116d.36 Comparable access to State and locally funded educational facilities and services.

(a) *Assurances by the SEA.* Each SEA that applies for a grant shall include in its application an assurance that it will not conduct the State program through an LEA that does not provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigratory children living in the attendance area in which migratory children are being served. If, however, the project is conducted during a time of the year when the LEA is not providing State or locally funded educational facilities and services to nonmigratory children, the LEA is not required to provide them for the migratory children.

(b) *Relation to other requirements.* The provisions of paragraph (a) of this section do not modify the requirements of § 116.40 of this chapter, relating to supplanting State and local funds and services that the applicant is required by law to provide to all children or specifically to migratory children, or § 116a.26 (g) and (h) of this chapter, relating to the maintenance of comparability in school attendance areas where projects funded under part 116a of this chapter, and which serve migratory children, are being conducted.

(c) *Definition of comparable access.* The requirements of paragraph (a) of this section are satisfied only if migratory children have access to all State and locally funded instructional, health, nutrition, transportation, and other services on the same basis as provided by the LEA to nonmigratory children residing in the attendance area where migratory children are being served.

(20 U.S.C. 241c-2; 241c(a).)

§ 116d.37 Parental involvement.

Each SEA shall take the necessary steps to assure effective parental involvement throughout the State program. As a minimum, each SEA shall demonstrate in its application that:

(a) It will require each operating agency to solicit actively parental involvement in the planning, operation, and evaluation of its projects, and to establish a parent advisory council whose views will be considered concerning the operation and evaluation of the present project, and the planning of future projects. This advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by that project.

NOTE.—An operating agency that provides services on a statewide basis need not create a separate advisory council, but must consult the State parent advisory council required by subsection (b).

(b) It has actively solicited parental involvement in the planning, operation, and evaluation of its State program, and has established a State parent advisory council whose views will be considered concerning the operation and evaluation of the present State program, and the planning of future State programs. This State parent advisory council must be composed of people who know the needs of migratory children. A majority of the advisory council members must be parents of children who were, are being, or will be served by the State program.

(20 U.S.C. 241c-2; 241e(a); 1231d.)

§ 116d.38 Supporting services.

(a) *General.* An SEA or an operating agency may provide health, welfare, or other supporting services with title I migrant education funds, but only if these services are necessary to enable eligible migratory children to participate effectively in instructional services.

(b) *Day care services.* Day care services for eligible migratory children may be provided only as a supporting service to eligible preschool and school-aged migratory children and only with the specific approval of the Commissioner. Each SEA desiring to use program funds for day care services shall include a request in its application, or in an amendment to that application, and shall provide adequate information to allow the Commissioner to determine that the proposed day care services are:

(1) Not available from any other source;

(2) Necessary to enable eligible migratory children to receive instructional services supported by title I; and

(3) Not extravagant in relation to the cost, the number of children who would receive day care, and the effect that the availability of the day care services would have on the participation of eligible migratory children in instructional services supported by title I funds.

(20 U.S.C. 241c-2.)

§ 116d.39 Criteria for the approval of State applications.

The Commissioner approves a State application only if it contains the information and assurances required by § 116d.3 and complies with all applicable requirements of parts 100, 100a, 100b, 100c, and 116 of this chapter. The Commissioner also determines that:

(a) Payments will be used to carry out the State program and to fund projects—including the acquisition of equipment and, where necessary, the construction of school facilities—that are designed to meet the special educational needs of eligible migratory children. These programs and projects must also be coordinated with similar programs and projects in other States,

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including the transfer of the school records of these migratory children;

(b) Projects to be funded are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served, particularly any need for improvement in the basic academic subjects;

(c) Projects designed to meet the special educational needs of preschool migratory children will be provided only if, considering the amount of funds available, these projects will not detract from the operation of projects for school-aged migratory children;

(d) The State program is planned and will be operated in coordination with programs administered under section 303 of the Comprehensive Employment and Training Act of 1973;

(e) In planning the State program, the SEA has consulted with other SEA's that conduct title I programs for migratory children and with other agencies that provide services for migratory children and that are knowledgeable of their needs;

(f) The SEA's plan for assuring continuity in the education of migratory children includes appropriate procedures for coordinating its State program with programs in other States and for utilizing fully the migrant student record transfer system, including the transfer of the most current academic and health information available for the children served; and

(g) The SEA has made every reasonable effort to identify and recruit all eligible currently and formerly migratory children.

(20 U.S.C. 241c-2.)

§ 116d.40 Cooperative programs.

Two or more SEA's may submit an application for a joint program or project to serve migratory children living in more than one State. With the Commissioner's approval, one agency may administer such a cooperative program under an appropriate interagency agreement.

(20 U.S.C. 241c-2; 1232c(b).)

§ 116d.41 Disapproval of State applications.

The Commissioner does not finally disapprove the application of an SEA until after reasonable notice and an opportunity for a hearing has been provided to that agency.

(20 U.S.C. 241c-2.)

APPENDIX

SUMMARY OF COMMENTS AND RESPONSES

The following is a summary of the comments received on the interim final regulations. Each comment is followed by a response that indicates any changes made or why no change was considered necessary. Specific comments are arranged in the order of the regulatory sections to which they pertain.

§ 116d.2 *Definitions.*

Comment. One commenter recommended that the definition of "agricultural activity" be made more specific with respect to the occupations included. Fifteen commenters recommended that this definition be extended to include a number of other migratory activities that are agriculturally related, but that fail to qualify under the present definition because of no direct involvement in the production or processing of a food crop for "human consumption."

Response. A change has been made. The definition has been expanded and clarified. It now provides for the eligibility of workers involved in the cultivation or harvesting of trees. Also, the term "human consumption," used in connection with the "production or processing of dairy products, poultry, or livestock," was not intended to be limited to human dietary consumption. For clarity, the term has been deleted.

It is not possible for the Commissioner to publish as part of these regulations an exhaustive list of all qualifying occupations.

Comment. Two commenters recommended that agricultural work for personal subsistence (self-employment) be included under the definition of "agricultural activity."

Response. A change has been made. The definition now includes the production or processing of crops, dairy products, poultry, or livestock "as a principal means of personal subsistence."

Comment. Six commenters recommended that the children of all families involved in occupationally-induced migration, whether or not the occupations involve agriculture or fishing, be eligible for program services.

Response. No change has been made. The requirement for involvement in agriculture or fishing is statutory.

Comment. Seven commenters recommended that the Commissioner formulate a standard Federal definition of "migratory child."

Response. No change has been made. The definitions of "currently migratory child" and "formerly migratory child" in these regulations are derived from statutory requirements that differ from the statutory requirements of other programs.

Comment. Twenty commenters recommended that the definitions of "currently migratory child," "migratory agricultural worker," and "migratory fisher" be revised to provide that moving from one school attendance area to another qualifies a child or worker as migratory. It was pointed out that children and workers may move from place to place within very large school districts.

Response. No change has been made. This recommendation has not been adopted for the same reason cited in the preamble to the interim final regulations (42 FR 36078). Pertinent legislative history indicates that Congress generally intended the program to serve children who migrate from school district to school district (Conference Report No. 93-1026, 93d Cong., 2d Sess. 142-143). However, the definitions do continue to cover children and workers who migrate from one school administrative area to another in States that are comprised of a single school district.

Comment. Seventeen commenters recommended that the definition of "currently migratory child" include migratory children of nonmigratory parents; six commenters recommended including nonmigratory children of nonmigratory seasonal farmworker parents.

Response. A change has been made. The definition of "currently migratory child" now includes "a child who has been eligible to be served (under the primary definition of "currently migratory child"), and who, without the parent or guardian, has continued to migrate annually * * *." In other words, once a child has qualified as a "currently migratory child" because both the child and the parent or guardian have migrated, that child may continue to be counted and served as a "currently migratory child" after the parent or guardian ceases to migrate, provided that the child continues to migrate annually. However, once the child ceases to migrate, that child may be counted and served only as a "formerly migratory child."

Furthermore, in order to be counted and served as either a "currently migratory child" or a "formerly migratory child," the child must have qualified at some previous point on the basis of being a migratory child of a migratory agricultural worker or a migratory fisher. The Commissioner has no authority to serve children who have never migrated or who have never had a parent or guardian who migrated.

Comment. Four commenters recommended that the period of program eligibility of a "currently migratory child" be extended from 12 months to 24 months.

Response. No change has been made. The Commissioner believes that migration within a 12-month period is a reasonable basis on which to qualify children as currently migratory because these children are suffering the

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ill effects of current disruptions in their education. Furthermore, children may be counted and served as formerly migratory for up to 5 years after the first 12-month period.

Comment. Three commenters requested clarification with respect to the actual calendar time of program eligibility of formerly migratory children.

Response. A change has been made. The definition of "formerly migratory child" clarifies that there is actually a total of 6 years of program eligibility—a 1 year status as a "currently migratory child" and up to 5 additional years as a "formerly migratory child." As an example, a child whose last qualifying move took place on January 1, 1978, would qualify as a "currently migratory child" through and including December 31, 1978. On January 1, 1979, the child would change status to a "formerly migratory child" (provided that the concurrence of the parent is secured) and would be eligible for program services up to and including December 31, 1983.

Furthermore, if the formerly migratory child in this example is enrolled in a project that commences prior to January 1, 1984, that child may continue to participate in those specific project services until they are completed. At the termination of that specific project, however, that child may not be reenrolled unless another qualifying move occurs to reestablish the child as currently migratory.

With respect to the priority of services to formerly migratory children, § 116d.35 of these regulations provides that "a formerly migratory child may participate in a project * * * provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children."

Comment. Five commenters recommended that the period of eligibility for a "formerly migratory child" be changed. The recommended time changes were 3, 7, and 8 years. Two commenters recommended maintaining the period of eligibility for a "formerly migratory child" at 5 years.

Response. No change has been made. The eligibility of a child as a "formerly migratory child" for up to 5 years is statutory.

Comment. One commenter recommended that the Commissioner formulate a standard Federal definition of "guardian."

Response. No change has been made. The Commissioner has no authority to establish a standard Federal definition of "guardian" for use by other agencies. However, the definition that applies for this program is quite broad and rarely, if ever, will result in precluding a person who is considered to be a "guardian" under another program.

Comment. Seven commenters recommended that the term "guardian," as used in the definition of "currently migratory child," be interpreted to include "crew leaders" who assume responsibility for transporting children to agricultural work sites or processing plants, arranging for their employment at those sites, and supervising them while they are there.

Response. No change has been made. The recommendation has not been adopted for the same reason cited in the preamble to the interim final regulations (42 FR 36077). "Crew leaders" who have custody of children for the primary purpose of supervising their employment are not considered to be persons standing in the place of a parent. Furthermore, to include persons other than those already included in the definition of "guardian" could result in counting and serving children not considered to be within the category of children that Congress intended to cover. For example, children of nonfarm families who join "crew leaders" only for summer agricultural employment could be counted.

However, the fact that a child is accompanied by a "crew leader" and not by a parent or guardian will not disqualify him or her if it is shown that the child's parent or guardian, as defined, is a migratory agricultural worker or migratory fisher, or that the child has been eligible to be served (under the primary definition of "currently migratory child") and has continued to migrate annually without the parent or guardian.

Comment. Three commenters recommended that a guardian should not be required to present a legal document certifying his or her guardianship status.

Response. No change has been made. The regulations do not require the presentation of a legal guardianship document.

Comment. Three commenters recommended that an individual who serves in a temporary parental capacity should be considered a guardian.

Response. No change has been made. The definition of "guardian" already includes a "person standing in the place of a parent to the child."

Comment. Three commenters recommended that "day haul" agricultural workers be included under the definition of "migratory agricultural worker."

Response. No change has been made. "Day haul" agricultural workers maintain a residence to which they return daily. Because they do not actually "move" across school district lines in the sense of establishing a new residence, they are not considered migratory.

Comment. One commenter requested a clarification of the term "personal subsistence," as used in the definition of "fishing activity."

Response. No change has been made. However, for clarification, "personal subsistence" means that the fish or shellfish are caught for direct consumption by the fisher or his or her family, rather than caught for wages or other income. A similar definition applies to "personal subsistence," as used in the revised definition of "agricultural activity.

Comment. Two commenters recommended that the definitions of "migratory fisher" and "currently migratory child" include those fishers and children who move from a school district to international waters and return to the same school district.

Response. No change has been made for the same reason cited in the preamble to the interim final regulations (42 FR 36078). The Commissioner interprets the law as not covering these fishers and their children. The legislative history of Pub. L. 93-380 indicates that only those fishers and their children who migrate from one school district to another school district are considered migratory (Conference Report No. 93-1026, 93d Cong., 2d Sess. 142-143).

Comment. Two commenters recommended a clarification of the definition of "project area."

Response. A change has been made. The definition of "formerly migratory child" now includes language to clarify "area served by a title I migrant education project." That language explains that the "area served by a title I migrant education project" is any area within the boundaries of an LEA, or a combination of LEA's, where there are migratory children who are receiving title I migrant education program services or who will receive these services within the current program period.

§ 116d.3 *State applications.*

Comment. Two commenters recommended that the standard application form be revised. One of these commenters recommended reducing the form's requirements for information. The other commenter recommended an application form that would require more information.

Response. No change has been made. The standard application form is prescribed by Attachment M of OMB Circular No. A-102 of September 12, 1977 (Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments).

Comment. One commenter recommended that annual State applications not be required.

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Response. No change has been made. The requirement for an annual State application is statutory.

Comment. One commenter recommended that the budget format of the standard application form be revised to parallel the budget format used by State and local educational agencies.

Response. No change has been made. The budget format is standard, as prescribed by Attachment M of OMB Circular No. A-102 However, the Commissioner is authorized by that circular to eliminate any requirements for budget entries that are not needed for program management. SEA's have been notified of these deletions.

Comment. Two commenters recommended that applicants be strictly required to submit all information with the initial application, including an identification of all operating agencies.

Response. No change has been made. Although an SEA is required to submit all the required information that is available at the time of submission of the application, it is permitted to amend its application "as soon as any information becomes available that is required by these regulations, but was not previously submitted * * *." (§ 116d.3(b).) Because of the unpredictable movement patterns of migrants, it would be unreasonable to enforce a stricter requirement regarding the inclusion of information in the State application.

Comment. Two commenters recommended a specific reference to the requirement for applicant agencies to comply with title VI of the Civil Rights Act of 1964.

Response. No change has been made. The regulations indicate that title I migrant education programs are also subject to the provisions of the Office of Education General Provisions Regulations. Section 100b.262 of those regulations requires compliance with the provisions of title VI of the Civil Rights Act of 1964 and 45 CFR Part 80 (Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare Effectuation of title VI of the Civil Rights Act of 1964). It is not the intent of the title I migrant education program regulations to repeat general requirements that are found in the General Provisions Regulations. Furthermore, the standard application form prescribed by Attachment M of OMB Circular No. A-102 requires an assurance that the applicant will comply with title VI.

Comment. Six commenters recommended a specific reference to the requirement for providing migratory children with access to State and local facilities and services.

Response. No change has been made. Section 116d.36(a) of the final regulations already requires each SEA to provide an assurance that it will not conduct the State program through an LEA "that does not provide migratory children with access to State and locally funded educational facilities and services comparable to those ordinarily provided to nonmigratory children * * *."

§ 116d.6 *Participation of operating agencies.*

Comment. Three commenters recommended that SEA's not be required to submit the approved applications of operating agencies.

Response. A change has been made. The requirement in § 116d.6(b) of the interim final regulations that SEA's routinely forward copies of the applications of operating agencies has been deleted. Section 116d.6(b) now requires SEA's to forward only those applications that are requested by the Commissioner.

Comment. Three commenters recommended that SEA's be required to consult with teachers and migratory children with respect to the planning of programs and projects.

Response. No change has been made. Section 116d.37 requires each SEA to consult with parents and to consider their views in connection with planning the State program. this section also requires each SEA to establish a State parent advisory council which "shall be composed of people who know the needs of migratory children." These councils may include teachers and migratory children. Section 116d.32(g) requires each SEA to explain in its application how it will comply with § 116d.37(b).

Furthermore, §116d.37(a) also requires each operating agency to establish and consult a similar council. That council may also include teachers and migratory children.

Comment. One commenter recommended that applicants be required to assure the "size, scope, and quality" of projects.

Response. No change has been made. Section 116d.39(b) of these regulations provides that a State application will be approved only if the Commissioner determines that "projects to be funded are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served * * *."

Comment. One commenter recommended that the information required in the application of an SEA and an operating agency be similar.

Response. A change has been made. Section 116d.6(a) regarding the contents of operating agency applications and § 116d.32 regarding the contents of State applications now share a number of common requirements. There are some differences, however, because of the different roles played by SEA's and operating agencies in the title I migrant education program.

Comment. One commenter recommended permitting an operating agency to carry over funds from one year to another rather than requiring the return to the SEA of all unobligated funds.

Response. No change has been made. Section 412 of the General Education Provisions Act (20 U.S.C. 1226) permits an SEA to carry funds over for 1 year after the fiscal year for which they were appropriated. However, Section 434(b) of the General Education Provisions Act (20 U.S.C. 1232c(b)) and 45 CFR 100b.18(b)—as well as § 116d.3(a)(4) of these regulations—require an SEA to, in effect, reapply with respect to the use of carryover funds.

The title I migrant education program is a State-operated program. Each year the SEA conducts a statewide needs assessment and designs a State program to meet those needs. However, because the children to be served are migratory, the needs of particular areas in the State may vary greatly from year to year. LEA's are not entitled to receive title I migrant education funds. Rather, an LEA is selected to participate in the State program solely because the SEA has determined that, through the participation of the LEA, the current needs of the State's migratory children may be most effectively met.

§ 116d.8 *Amendments to applications.*

Comment. One commenter recommended that amendments to applications not be permitted because they weaken the application procedure.

Response. No change has been made. It would be unreasonable, because of the mobility of the eligible migratory children, to expect a State never to have need to revise its program plan. The provisions for amending applications in § 116d.8 of the final regulations do not weaken the application procedure. In fact, all amendments undergo the same review process as initial applications.

§ 116d.9 *Title and control of property.*

Comment. One commenter recommended a stronger requirement with respect to the maintenance of an equipment inventory by the SEA.

Response. No change has been made. Property management is regulated by the Office of Education General Provisions Regulations and 45 CFR 116.42. Under 45 CFR 100b.215(d), an SEA that receives title I migrant education funds is required to maintain accurate property records and to conduct physical inventories of all nonexpendable personal property at least every 2

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years. "Nonexpendable personal property" is defined in 45 CFR 100.1 as "tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit."

Comment. Four commenters recommended permitting the use of program-purchased equipment by nonmigratory children.

Response. No change has been made. Title I migrant education program funds may be used to purchase equipment essential to the effective implementation of this program only. Although nonmigratory children may happen to be present when services involving the use of migrant education program equipment are being provided to migratory children, any benefits that the nonproject children derive from these services must be incidental. Program-purchased equipment may not be used directly with non-migratory children, however. If program-purchased equipment is used for non-title I purposes, that equipment was either not needed for the title I project, or it should have been purchased with State or local funds.

§ 116d.10 *Sources of funds for State administration* (formerly, *Allocation of funds to administrative and program functions*).

Comment. Two commenters recommended an increase in the amount of funds provided under section 143(b) of title I of the Act for State administration.

Response. No change has been made. The amount of funds provided for State administration is statutory. However, the statute does not specify what portion of the funds authorized under section 143(b) is to be used for each of the various title I programs. Because the SEA both administers and carries out its program for migratory children, it may also perform a number of administrative-type activities, such as those listed in § 116d.10(b), that are performed by local educational agencies (LEA's) under part 116a or by State agencies under part 116b and 116c. These activities may be charged to program funds even though they are "administrative" in nature.

Comment. Six commenters requested a clarification of the division of "administrative" and "program" functions.

Response. A change has been made. Section 116d.10 has been revised to provide clearer guidance on this matter. However, the regulations retain the basic criteria for determining which activities are to be charged to section 143(b) funds and which are to be charged to migrant education program funds. Section 116d.10 no longer refers to the two types of activities as "administrative" functions and "program" functions. All of the functions are in some sense "administrative." However, some functions are to be charged to State title I administrative funds; others are to be charged to migrant education program funds. A full discussion of this issue may be found in the preamble to the interim final regulations (42 FR 36077-8, July 13, 1977).

Comment. One commenter recommended including parents under § 116d.10(b) with respect to the use of program funds for inservice training.

Response. A change has been made. Inservice training is no longer listed as an "administrative" function to be charged to program funds. Instead, inservice training is regulated by § 116.36 of the general title I regulations. Parents who serve on an advisory council or who volunteer to provide a service to the project are eligible for inservice training paid for with migrant education program funds.

Comment. Two commenters recommended setting minimum and maximum amounts of funds to be used to support each administrative-type function.

Response. No change has been made. An SEA must adequately perform, according to its needs, each necessary administrative function. Furthermore, an SEA must use these funds reasonably, in accordance with part 100b, subpart G ("Cost Principles"), of the Office of Education General Provisions Regulations.

§ 116d.12 *Child eligibility* (formerly *Child eligibility and evidence of child eligibility*).

Comment. Twenty-one commenters contested the authority of the Office of Education to require a migratory child or his or her parent or guardian to provide sufficient documentation to establish the child's eligibility as migratory.

Response. A change has been made. Section 116d.12 has been revised to clarify that a migratory child or his or her parent or guardian is not required to provide documentary proof of the child's eligibility. It is the responsibility of the SEA or the operating agency to determine that a child is either a currently or formerly migratory child, as defined under § 116d.2, and to make a written record upon which the child's eligibility is determined. In determining eligibility, an SEA or an operating agency may rely on credible information provided by the child or his or her parent or guardian.

Comment. Six commenters recommended that the regulations clearly state that proof of American citizenship or legal alien status is not required of a migratory child or his or her parent or guardian.

Response. A change has been made. Section 116d.12 now states that an SEA or an operating agency is not required to obtain documentary proof of the child's civil status from either the child or his or her parent or guardian.

§ 116d.21 *Total amount available for grants.*

Comment. Two commenters requested a clarification of the formula that is used to determine the total amount of the title I migrant education grant for which an SEA may apply.

Response. No change has been made. Section 116d.21 provides a general explanation of how the total grant amount available to an SEA is determined. However, for clarification, a more detailed explanation of how State grant amounts are determined is provided here.

(1) A State accumulates one residency day for each day (during the calendar year period) that a migratory child resides in that State. Residency days for each migratory child are determined on the basis of that child's enrollment data in the migrant student record transfer system.

(2) A State's total of accumulated residency days is divided by 365 (each group of 365 accumulated residency days equals one full-time equivalent (FTE) migratory child).

(3) A State's total FTE of migratory children is then multiplied by 40 percent of the State's per pupil expenditure rate (adjusted to not less than 40 percent of 80 percent nor more than 40 percent of 120 percent of the national average per pupil expenditure rate).

The computed amount becomes the total amount available to that State for its title I migrant education grant, unless that State's computed amount results in an amount less than the State received in the prior fiscal year. Section 125 of title I of the Act provides that no State agency program shall receive in any fiscal year less than 100 percent of the amount that it received in the prior fiscal year.

Furthermore, the Commissioner is authorized by section 122(a)(2) of title I of the Act to use all or part of the amount available to an SEA to make special arrangements with other agencies for services to migratory children. Since fiscal year 1969, the Commissioner has withheld a proportionate amount of each State's entitlement to fund the migrant student record transfer system. The remaining amount is then made available to each SEA.

Comment. Fifty commenters recommended that the funding formula be expanded with respect to the age range of migratory children who are eligible to be counted.

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Response. No change has been made. The funding formula (including the counting of only those migratory children aged 5–17) is statutory.

Comment. Four commenters recommended maintaining the full-funding for the migrant education program "off-the-top" of the total title I appropriation.

Response. No change has been made. Under Section 144 of the title I statute, all title I State agency programs (including the migrant education program) are fully-funded "off-the-top" of the total title I appropriation.

Comment. Two commenters recommended that the formula used in determining the grant amount to be made available to a SEA should use the child count from the same year as the grant award, and not the child count for the prior calendar year period.

Response. No change has been made. Because the title I program is "advance-funded"—i.e., funds are appropriated in 1 fiscal year for obligation by the Federal Government and use by the recipient in the following fiscal year—it is impossible to calculate the grant amount available to a State under the title I migrant education program on the child count from the same year as the grant award period.

However, the formula does use the child count from the most recent full calendar year period that is available. Thus, the size of a grant made available to a State for fiscal year 1979 is determined on the basis of the count of migratory children in that State during the period of January 1-December 31, 1977.

Comment. One commenter recommended the use of a "block grant" to State and local educational agencies instead of categorical aid for programs such as the title I migrant education program.

Response. No change has been made. The Act requires that title I migrant education funds be used for services to migratory children only.

Comment. Three commenters recommended that the Commissioner develop a procedure through which a State would be permitted to use a certain portion of "prospective" grant funds while final negotiations were being carried out with the Office of Education regarding the approval of its application.

Response. No change has been made. The obligation of funds by a grantee is regulated by the Office of Education General Provisions Regulations. Section 100b.25(d) states that funds shall not be obligated prior to the effective date of the approved State application. Section 116d.6(d) of the final regulations clarifies that an operating agency may not obligate funds before the effective date of the SEA's approved application or the date on which the operating agency's application is submitted to the SEA in substantially approvable form, whichever occurs later.

§ 116d.24 *Special arrangements with the State educational agency and § 116d.25 Special arrangements with the Commissioner* (formerly, *Special arrangements by the Commissioner to conduct migrant programs*).

Comment. A number of commenters made recommendations concerning special arrangements for services on the part of the Office of Education and participating SEAs. Eight commenters recommended that individuals and public and nonprofit private agencies be provided with a specific mechanism to petition the Office of Education for a special arrangement for services. Similarly, two commenters recommended that the regulations provide a specific procedure by which individuals and public and nonprofit private agencies may petition an SEA for a special arrangement for services.

In addition, five commenters specifically suggested that the regulations provide a procedure by which migratory parents could petition an SEA or the Office of Education for a special arrangement.

Response. A change has been made. Section 116d.24 has been rewritten to clarify that an SEA may make special arrangements with public or nonprofit private agencies to carry out a project. Section 116d.25 describes the Commissioner's authority to make special arrangements to carry out the purposes of section 122 of the Act. The conditions under which an SEA may make a special arrangement are essentially identical to those under which the Commissioner may make a special arrangement, and they follow the language of section 122(a)(2) of the Act.

Also, Section 116d.26 (*Complaint procedures*) has been rewritten. It makes clear that a participating SEA must establish a procedure by which it will resolve the complaints (alleging statutory or regulatory violations of the title I migrant education program) of parents and other individuals and organizations within an appropriate period of time, not normally to exceed 60 days. Moreover, § 116d.26(b) provides that the Commissioner may review an SEA's resolution of a complaint and take appropriate steps, including "implement[ing] a special arrangement under § 116d.25."

The Commissioner does not believe that the creation of distinct and possibly restrictive petition procedures are warranted. The existing complaint procedure is flexible enough to serve as an effective means by which a request for a special arrangement may be made.

Comment. Ten commenters requested that the regulations be more specific in terms of the conditions under which an SEA or the Commissioner may employ a special arrangement.

Response. No change has been made. The three conditions stated in § 116d.25, as those under which the Commissioner may make a special arrangement, follow the statutory language of section 122(a)(2) of the Act. Corresponding conditions in § 116d.24 govern an SEA's discretion to make a special arrangement. The language of the Act indicates that Congress intended to allow the Commissioner and each SEA considerable discretion in evaluating the need for a special arrangement.

§ 116d.31 *Use of program funds* (formerly titled *Use of funds*).

Comment. Five commenters recommended that the regulations permit a more liberal use of program funds for projects that involve a capital outlay, such as the construction of school facilities.

Response. No change has been made. The regulations permit appropriate use of Title I migrant education funds for construction; § 116d.39(a) provides that these funds may be used for the construction of school facilities "where necessary." This restrictive standard is imposed by section 122(a)(1)(A) of the Act. In addition, § 116.32, which is applicable to all title I programs, contains more specific guidance on the use of program funds for construction.

Comment. Three commenters requested that the regulations clarify the requirement that title I migrant education funds be used to supplement and not to supplant State and local funds.

Response. No change has been made. Section 141(a)(3) of the Act and § 116.40(a) require that title I funds be "used to supplement, and to the extent practical, increase the level of State and local funds that would, in the absence of such Federal funds be made available * * * [and] will not be used to supplant State and local funds * * *." (At the present time, the Office of Education is preparing additional interpretive guidance on these provisions.)

Comment. Three commenters requested a clarification of the phrase "imprudent, wasteful, or extravagant" as used in § 116d.11.

Response. No change has been made. These regulations (§ 116d.11) require that each SEA that "receives a title I migrant education grant shall issue to operating agencies a set of rules that prohibits the imprudent, wasteful, or extravagant expenditure of these funds."

As noted in the preamble to the interim final regulations (42 FR 36078), this standard is regarded as workable. Given the numerous possible circumstances, it is not possible to define more precisely what expenditures are reasonable and appropriate.

Comment. Seven commenters recommended permitting the use of title I migrant education funds as stipends to encourage school attendance.

Response. No change has been made. Section 122(a)(1) provides that title I migrant education funds must be used "to establish or improve * * * programs of education for migratory children * * *." Section 122(a)(1)(A) requires that these programs be "designed to meet the special educational needs of migratory children * * *." Standing alone, of course, the payment of money to a migratory child has no educational content and does not directly address his or her educational needs. To be permitted, any payment would have to be integrally related to a program of educational services—such as a work/study project—designed to meet the child's special educational needs. In this case, the payment of money may be said to have educative content in its own right.

In addition, any payment would have to be "necessary to enable eligible migratory children to participate effectively in instructional services," and would be subject to the requirement that the expenditure be "necessary and reasonable" within the meaning of part 1(C)(a) of appendix B ("Cost Principles for State and Local Governments"), which applies to the title I migrant education program under 45 CFR 100b.81. Under these standards, for example, title I funds could not be used to pay stipends to migratory children to encourage them to attend educational programs that they are required to attend under State law.

Comment. Two commenters requested a more liberal use of funds for professional conferences, workshops, and in-service training.

Response. No change has been made. Depending upon the needs in an individual State, these activities may be supported with title I migrant education funds. Section 116.36 provides guidance concerning the appropriate use of these funds for pre-service and in-service training. These expenditures are also subject to the cost principles stated in Appendix B to 45 CFR Part 100, including the requirement that expenditures from program funds be "necessary and reasonable."

Comment. Two commenters recommended that the regulations encourage stronger fiscal and fund accounting controls.

Response. No change has been made. The present requirements assure effective fiscal control at the SEA and operating agency levels without imposing unnecessary burdens upon participating agencies. For example, § 116d.6(a)(5) requires an operating agency to describe each service it will provide and the estimated cost in its annual application to the SEA. Section 116d.6(c) requires an operating agency to maintain records of all financial transactions relating to a title I migrant education project for a period generally of 5 years and to provide timely financial reports to the SEA.

Section 116d.11 requires each SEA to issue to its operating agencies rules that prohibit the "imprudent, wasteful, or extravagant" expenditure of title I funds and requires operating agencies to reflect in their financial reports adjustments made to their subgrants.

Section 116d.34 provides that a State application must be accompanied by a budget "including the estimated cost of each service" to be provided as part of the State program. In addition, § 116d.10(a) provides that an SEA may use funds made available under section 143(b) of the Act to maintain "fiscal control and fund accounting" with respect to the State program.

Comment. Eight commenters suggested that a portion of each State's allocation of title I migrant education funds be earmarked for identification and recruitment of eligible migratory children, or, alternatively, that the regulations require an SEA to conduct recruitment efforts. Ten commenters recommended that the regulations require that all identified eligible migratory children in the State receive program services.

Response. A change has been made. Section 116d.39(g) of these regulations provides that a State application may not be approved by the Commissioner unless it demonstrates that "the SEA has made every reasonable effort to identify and recruit all eligible currently and formerly migratory children." Section 116d.32(b) requires an SEA to describe its recruitment efforts in its State application. In addition, as under the interim final regulations, § 116d.10(b) provides that an SEA may use program funds to identify and recruit eligible migratory children.

On the other hand, it is neither realistic nor appropriate to require that an SEA serve every identified eligible migratory child in the State. Some children may not exhibit special educational needs. Some may be served appropriately by other supplementary programs. And, it may not be feasible for the SEA to serve some children, especially those living in very remote areas.

However, § 116d.32(c) requires that if an SEA expects to serve fewer eligible school-aged migratory children than the number it has identified in its State application, it must explain why. Section 116d.6(a)(4) imposes a similar requirement on operating agencies.

Comment. A commenter recommended that these regulations more clearly indicate that in the title I migrant education program, the grantees are State, not local, educational agencies.

Response. A change has been made. Section 116d.1 clearly states that grants are awarded to SEA's. As § 116d.5 indicates, an SEA may conduct programs and projects directly, may make subgrants to one or more LEA's, or may enter into special arrangements with one or more public or nonprofit private agencies.

The definition of "operating agency" in § 116d.2 further clarifies that an LEA participates in the program as a subgrantee.

§ 116d.32 *Contents of State applications* (formerly § 116d.31(b) *Information in State applications*, and § 116d.39 *Criteria for approval of State applications*).

Comment. Five commenters recommended that these regulations require an individualized educational plan for each participating migratory child.

Response. No change has been made. Section 141(b) of the Act does not authorize the Commissioner to require an individualized written educational plan for each child. However, § 116.47 provides that "a State educational agency shall encourage where feasible applicant agencies * * * to provide for the development for each child participating in an approved program or project under * * * title I, an individualized written educational plan * * * agreed upon jointly by the applicant agency, a parent or guardian of the child, and when appropriate, the child."

Comment. Two commenters suggested requiring programs to include activities—beyond basic instructional programs—such as nutrition education, guidance counseling, or home-school coordination. Another commenter said these regulations should encourage the provision of enrichment, and not just compensatory services to migrant children. Still another suggested emphasizing specific disciplines such as language skills, mathematics, science, and music.

Response. No change has been made. The title I migrant education program is a supplementary, compensatory educational program intended to address the special educational needs of participating migratory children. If the eligible migratory children exhibit special needs in the basic academic subjects title I services must be fashioned to meet those needs.

Section 116d.39(b) provides that projects must be "of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served, particularly any need for improvement in the basic academic subjects." Of course, the determination of the special educational needs of the migratory children who will participate is a responsibility of each SEA (see § 116d.32(d)), as is the design of the programs and projects to meet those needs.

Comment. One commenter recommended that the concept of basic skills as used in § 116d.39(b) be amplified by the words "readiness, developmental, and remedial."

Response. No change has been made. As the preamble to the interim final regulations noted (at 42 FR 36079), the Office of Education lacks the authority to require all of these concepts to be implemented in every State program.

Comment. Two commenters requested a clarification of the requirement that projects show "reasonable promise" of meeting the "special educational needs" of the participating migratory children. Several other commenters requested examples of "special educational needs."

Response. No change has been made. Under § 116d.39(b), the Commissioner determines that projects to be funded are of "sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting the special educational needs of the migratory children to be served * * *."

This provision implements section 141(a)(1)(B) of the Act, and although it is rewritten, it does not alter the substance of § 116d.39(b) of the interim final regulations.

The terms "reasonable promise" and "special educational needs" are statutory and are not otherwise defined in the Act. Still, the Commissioner believes that these terms are sufficiently clear in the regulations to provide the needed guidance and that a more detailed definition might unnecessarily restrict their application. Congress evidently intended the concept of "special educational needs" tó have a broad applicability. This is consistent with the statutory framework that places responsibility on the SEA for diagnosing the particular needs of migratory children and for designing effective compensatory projects.

Comment. Six commenters recommended that these regulations encourage the provision of "summer-term" projects.

Response. No change has been made. The title I statute and these regulations make clear that each SEA is charged with the responsibility to determine the special educational needs of the eligible migratory children and to design appropriate programs and projects to meet those needs.

Section 122(a)(3) of the Act and § 116d.35 of these regulations establish a service priority that places currently migratory children before formerly migratory children. In some instances this may necessitate the use of summer-term projects.

Comment. One commenter suggested that each operating agency should be required to state its project objectives by "grade" as opposed to "grade group."

Response. No change has been made. As the preamble to the interim final regulations noted (42 FR 36077), uncertainties may exist as to the migratory children who will actually be present when a project is conducted. Reporting by grade group rather than by grade recognizes this uncertainty and is intended to provide flexibility to operating agencies.

Comment. A number of commenters recommended that bilingual and multicultural instructional services be required by the regulations when the linguistic circumstances of the children to be served warrant these services.

More specifically, 14 commenters said that bilingual or multicultural instruction should be required; two commenters recommended requiring classroom use of bilingual instructional materials; 9 commenters recommended requiring staff development activities to include bilingual and multicultural instructional program training; and 22 commenters recommended that the regulations require the employment of bilingual or multicultural teachers and other staff members.

Response. A change has been made. Section 116d.32(d) of these regulations requires a State application to demonstrate "that the SEA has obtained an accurate assessment of the cultural and linguistic backgrounds of (the eligible migratory children living or expected to live in the State)." It also requires each SEA to include in its application "a description of the measures that the SEA will take to assure that a migratory child is not prevented from benefiting fully from the services provided by the title I migrant education program because he or she does not speak English or has limited English language skills."

Similarly, § 116d.6(a)(8) requires an operating agency application to contain "a description of how the operating agency assures that eligible migratory children will benefit fully from the project's services even if they do not speak English or have limited English language skills."

The Act, however, does not authorize, and section 432 of the General Education Provisions Act (20 U.S.C. 1232a) forbids the Office of Education to require any particular type of curriculum, program of instruction, or staff. Certainly, bilingual or multicultural modes of instruction may be appropriate when the children to be served have particular linguistic needs; however, other curricular responses may also be appropriate.

It is an SEA's responsibility under § 116d.32(d) to evaluate the linguistic needs of the children to be served and to devise an educational program appropriate to those needs.

Comment. Six commenters recommended that the Office of Education closely regulate the minimum qualifications of migrant educators. Two commenters said these regulations should require the use of community outreach workers. Another commenter said these regulations should require that a minimum percentage of staff aides be migrants themselves.

Response. No change has been made. The Office of Education has no authority to regulate the qualifications of migrant educators, or the type or composition of the staff connected with a State program. It is the responsibility of an SEA to develop a State program appropriate to the needs of the migratory children living or expected to live in the State.

Comment. Two commenters requested that teachers paid with title I migrant education funds be permitted to participate in regular supervisory activities that benefit the entire school population. Another commenter suggested that teachers should be permitted to work with migrant children within the regular classroom setting.

Response. No change has been made. Neither the Act nor these regulations permit the use of title I migrant education funds to provide services to children other than those who are eligible to receive them. However, neither the Act nor these regulations prohibit an SEA or operating agency from providing title I-funded services to eligible migratory children while sharing an institutional setting with other, noneligible children. The requirement is that the services be sharply focused on, and tailored to, the needs of the eligible migratory children.

Reason requires, of course, that genuinely trivial variations from these principles, which do not diminish the effectiveness of program services to eligible migratory children, be permitted.

Comment. Sixteen commenters recommended encouraging services at the secondary school level with an emphasis on dropout prevention. Similarly,

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three other commenters requested a secondary school emphasis specifically in the areas of career and vocational education.

Response. No change has been made. It is the responsibility of an SEA to design a State program that meets the needs of the migratory children living in the State.

Comment. Twelve commenters said the regulations should require extensive interagency coordination at the operating agency level with other programs providing services to migratory children. One commenter requested specific criteria for evaluating the extent of interagency program coordination.

Response. No change has been made. Section 116d.10(b) provides that an SEA may use funds made available under section 122 of the Act to "coordinat[e] * * * programs and projects with other public and private agencies." Section 116d.39(e) provides that before a State application may be approved, the Commissioner must determine that "in planning the State program, the SEA has consulted with other SEA's that conduct title I programs for migratory children and with other agencies that provide services for migratory children and that are knowledgeable of their needs." Both of these provisions are contained in the interim final regulations (see §§ 116d.10(b)(2) and 116d.39(e)) although worded slightly differently.

In addition, § 116.41(a) provides, in part, that "each application by (an SEA) for a grant under title I shall demonstrate that, in the development of such application, the applicant has taken into consideration benefits which are or may be available through other public and private agencies * * *. Such applications shall also demonstrate that the applicant has considered suggestions and offers of assistance which have been timely made by such agencies and which may aid in carrying out or making more effective the program or project for which application is made."

Additional regulations, such as the prescribing of criteria, applicable in all situations, are not warranted.

Comment. Eight commenters said these regulations should clearly require participation in and use of the migrant student record transfer system, including specifying the minimum health and education information that must be entered for each participating migrant child.

Response. A change has been made. Like the interim final regulations, § 116d.39(f) of the final regulations requires, as a condition of approval of a State application, that the SEA, in carrying out the State program, "utiliz[e] fully the migrant student record transfer system." However, the following phrase has been added in the final regulations in order to clarify this requirement: "including the transfer of the most current academic and health information available for the children served."

In addition, § 116d.32(h) requires an SEA to include in its application "a description of the information about the migratory children that the SEA will pass on to other SEA's, other than through the migrant student record transfer system."

Comment. Nine commenters made general recommendations to foster improvement in the exchange among title I programs of general information and information about exemplary projects. Six commenters said these regulations should require that all migrant parents be fully informed concerning the State program, including the dissemination of bilingual program information, if necessary. Another suggested that all program documents be available to the public.

Response. No change has been made. Section 116d.32(j) requires that a State application contain a description of how the SEA proposes to comply with 45 CFR 116.45. Section 116.45 provides, in part, that an SEA must develop plans for "disseminating information concerning the provisions of title I, and the (SEA's) past and present title I programs—including evaluations of such programs—to parents and to the general public." It also requires each SEA to make available "such * * * documents as may be reasonably necessary to meet the needs of * * * parents or other members of the public for information related to the comprehensive planning, implementation, and evaluation of the title I program, but not including information relating to the performance of identified children and teachers."

Under this "reasonably necessary" standard, of course, SEA's are required to accommodate the needs of parents and others who possess limited English language skills.

Also, 45 CFR 116.44 provides, in part, that a State application must contain a description of the methods the SEA will employ "for reviewing, selecting, and disseminating to teachers and educational administrators significant information on the latest developments and most recent experiments in education so that such information will be available for use in program planning and operation. These methods may include * * * reports on the organization, operation, and outcome of projects under title I."

Furthermore, under § 116d.10(a)(8), an SEA may use administrative funds to support the dissemination of such information.

Comment. Nine commenters said these regulations should require each SEA to establish a separate complaint procedure for its title I migrant education program. Two commenters suggested that a private agency should be able to register a complaint.

Response. A change has been made. Section 116d.26 ("Complaint resolution procedures") specifically incorporates 116.6(b), which requires each SEA to establish procedures for investigating and resolving the complaints of "parents and other individuals and organizations" alleging violations of the title I Act or regulations.

Recognizing that title I migrant education projects are frequently of short duration, the final regulations call for an "appropriate accelerated procedure for resolving complaints regarding * * * projects that operate for fewer than 60 days."

Comment. A number of commenters made recommendations concerning the provision of services to preschool children. Twenty-two commenters said these regulations should encourage States to provide program services at the preschool level. Two commenters expressed concern because the definition of "preschool" varies from State to State. One commenter requested a clarification of the difference between "instructional" and "custodial" services.

Response. No change has been made. As in the interim final regulations, § 116d.39(c)—which provides, in part, that "projects designed to meet the special educational needs of preschool migratory children will be provided only if, considering the amount of funds available, these projects will not detract from the operation of projects for school-aged migratory children"—establishes a service priority in favor of school-aged migratory children. This follows the priority stated in section 122(a)(1)(D) of the Act.

In addition, as the preamble to the interim final regulations indicated (42 FR 36079), because preschool children do not generally generate funds under the statutory formula, school-aged migratory children are considered to take priority over preschool children.

Each State, of course, is free to establish the age at which free public education commences. The Act does not define the term "preschool"; however, 45 CFR 100.1 defines the term as "the educational level from a child's birth to the time at which elementary education is provided as determined under State law."

With respect to the distinction between "instructional" and "custodial" services for preschool children, § 116d.33(b), as did the interim final regulations, defines preschool instructional services as "comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills and not pri-

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marily designed for custodial purposes." This definition is believed to be sufficiently precise.

§ 116d.35 *Services to formerly migratory children.*

Comment. A number of commenters objected to the secondary service priority of formerly migratory children. Some commenters said formerly migratory children should not be required to live in a project area in order to receive services.

Response. No change has been made. Section 116d.35 provides that a "formerly migratory child may participate in a project * * * provided that the participation of formerly migratory children in the State program will not prevent the participation of currently migratory children or dilute the effectiveness of the State program for currently migratory children." This secondary priority is required by section 122(a)(3) of the Act, which provides that currently migratory children "shall be given priority in consideration of programs and activities contained in (State application)."

Similarly, § 116d.2, which includes as part of the definition of a formerly migratory child that he or she "lives in an area served by a title I migrant education project," merely follows the statutory definition of such a child as stated in section 122(a)(3) of the Act: A "migratory child * * * shall be deemed to continue to be such a child for a period, not in excess of 5 years, during which he resides in the area served by the agency carrying on a program or project * * *."

Comment. Two commenters indicated that parental concurrence should not be required to establish a child's eligibility as a formerly migratory child. Five commenters said the regulations should not require the signature of a parent as evidence of concurrence. Two commenters objected to the interim final regulations' requirement of an annual parent signature as evidence of concurrence.

Response. A change has been made. Section 122(a)(3) of the Act requires parental concurrence as a condition of a child's eligibility as a formerly migratory child. Therefore, the definition of formerly migratory child in § 116d.2 requires "the concurrence of (the child's) parent or guardian to continue to be considered a migratory child."

However, § 116d.35 no longer requires the SEA or an operating agency to obtain the signature of a parent or guardian as evidence of concurrence. Of course, under § 116d.12 of the final regulations, an SEA or operating agency must still make for each child counted or served "a written record of the basis on which the child's eligibility was determined." As part of this written record, it may require a parental signature as evidence of concurrence.

§ 116d.37 *Parental involvement.*

Comment. A number of commenters suggested that these regulations should enlarge the scope of parental involvement in the title I migrant education program. Twenty-five commenters specifically recommended that parent advisory councils be required at the operating agency level. One commenter said the Office of Education should not approve a State application that fails to document council establishment.

Response. A change has been made. Section 116d.37 now requires parent advisory councils to be established and consulted at both the SEA and operating agency levels. These councils, which are to be consulted by the SEA and the operating agencies, must be composed of people "who know the needs of migratory children." Furthermore a majority of the members of the advisory councils at both the State and operating agency levels must be parents.

Comment. Sixteen commenters suggested that program funds should be provided for parent council activities. Five commenters said the regulations should include a detailed list of reimbursable parent council activities.

Response. No change has been made. As noted in the preamble to part 116 (41 FR 42896) and in the preamble to the interim final regulations for part 116d (42 FR 36079), the applicable standards for determining which parent council expenditures may be paid from program funds are stated in appendix B to part 100 of this chapter. (See 45 CFR 100b.81.)

Comment. Numerous commenters said the Office of Education should regulate extensively with respect to the composition, functioning, and duties of parent councils. Nine commenters said the councils should have "sign-off" authority on applications. Six commenters said parents should be permitted to appoint representatives when absent from meetings. three commenters said migratory children should be required within the membership of parent councils.

Two commenters recommended that parents of currently migratory children be given preference as members. Four commenters said the regulations should require direct communications between parent councils and the SEA. Four commenters said communication to parents on these councils should be bilingual, if necessary.

Response. A change has been made. As noted previously, § 116d.37 requires "effective parental involvement throughout the State program." In addition, § 116d.37 (a) and (b) require the establishment of parent advisory councils at both the SEA and operating agency levels. These councils which are consulted by the SEA and the operating agencies, must have parents as a majority of their members. Furthermore, these councils must be composed of people "who know the needs of migratory children."

However, the types of parental involvement and the design and operation of the parent advisory council are left to the SEA and the operating agencies which can best evaluate the particular needs of that State's or a local area's migrant population and structure an appropriate mechanism for parental participation.

It is expected, of course, that the views of these councils will be given serious consideration. These regulations require effective parental involvement. If this cannot be achieved without the use of bilingual communications, they must be employed.

Comment. Five commenters recommended a national parent advisory council.

Response. No change has been made. Title I migrant education grants are awarded to State educational agencies for programs designed at that level.

§ 116d.38 *Supporting services.*

Comment. Eight commenters requested a clarification of the circumstances under which support services may be provided.

Response. No change has been made. As under the interim final regulations, § 116d.38(a) provides that, in general, "health, welfare, or other supporting services [may be provided] with title I migrant education funds, but only if these services are necessary to enable eligible migratory children to participate effectively in instructional services." The instructional services referred to need not be funded by title I.

However, the more restrictive conditions under which title I migrant education funds may be used to support day care services are stated in § 116d.38(b).

The Commissioner believes that § 116d.38(a) establishes a simple, workable standard. It is not possible to describe every circumstance in which title I-funded support services may be provided.

Comment. Eight commenters said these regulations should permit a more liberal use of title I funds to support day care services.

Response. No change has been made. As the preamble to the interim final regulations noted (42 FR 36079), the title I statute establishes the migrant program as an "educational" program, which the Office of Education interprets as a program of instruction. Therefore, support services, including day care services, are permitted only to the extent that they are necessary to support attendance in an instructional program. In the case of day care services, the instructional services must be supported by title I.

Section 116d.38(b) does not alter the conditions under which title I supported day care services may be provided. However, these final regulations delete § 116d.38(c) of the interim final regulations. Given the criteria stated in § 116d.38(b), the types of information which an SEA must provide in its State application are self-evident.

§ 116d.40 *Cooperative programs.*

Comment. Thirty-two commenters recommended strengthening the requirement for interstate coordination of programs and projects. Six commenters said the regulations should encourage the interstate exchange of academic credits. Three commenters suggested requiring SEA's to share needs assessments and other program documents. Four commenters encouraged interstate reciprocity in the certification of migrant educators. One commenter requested examples of interstate coordination.

Response. A change has been made. These final regulations contain a suggested list of interstate and intrastate cooperative efforts intended to foster continuity in the education of migratory children. Thus, § 116d.32(h)—which otherwise is substantially similar to § 116d.31(b)(7) of the interim final regulations—provides that a State application must contain an "explanation of the steps the SEA will take to assure the most continuity practicable in the education of the migratory children to be served, such as the exchange of course credits, both within and among States, and the intrastate and interstate sharing of program planning, evaluation, curriculum, and staff training materials." This explanation must also describe "the information that the SEA will pass on to other SEA's, regarding the migratory children, other than through the migrant student record transfer system."

As in the interim final regulations, § 116d.39(*f*) provides that one criterion for approval of a State's application is that the SEA's "plan for assuring continuity in the education of migratory children includes appropriate procedures for coordinating its State program with programs in other States. * * *" Also, § 116d.10(b) clearly indicates that the intrastate and interstate coordination of programs and projects is a permissible use of title I migrant education funds.

A program assisted by these funds is designed by an SEA in response to the special educational needs of the migratory children who live in that State. Accordingly, it is felt that each SEA is best able to devise the precise means of effectively coordinating its programs with other programs and projects so as to provide continuity in the education of migratory children.

The Office of Education has no authority to regulate with respect to the licensing or certification of migrant educators.

Comment. Seven commenters said that the regulations should contain a section on the privacy and information rights of participating children and their parents.

Response. A change has been made. Section 116d.32(k) requires that a State application contain an assurance that the SEA will "transfer the educational records of the migratory children participating in the State program in accordance with the Family Educational Rights and Privacy Act of 1974 and part 99 of this chapter (Privacy Rights of Parents and Students)."

GENERAL

Comment. One commenter recommended that these regulations include a statement of philosophy and intent for the program.

Response. No change has been made. A general statement of program philosophy would not be sufficiently precise to provide guidance and is not appropriate for regulations. The purposes of the title I migrant education program are clearly expressed in section 122 of the Act and in these regulations.

Comment. Several commenters suggested that these regulations should include the sections of the general title I regulations (part 116), the General Education Provisions Act, and the Office of Education General Provisions Regulations that apply to the title I migrant education program, or that are incorporated by these regulations.

Response. No change has been made. The purpose of part 116 and the Office of Education General Provisions Regulations is to avoid unnecessary repetition of regulatory provisions that apply to a variety of Federal education programs.

Comment. Two commenters requested that these regulations be written in simpler language. One commenter recommended that these regulations include examples, when helpful, to clarify individual requirements.

Response. A change has been made. These final regulations have been prepared according to the Department of Health, Education, and Welfare's Operation Common Sense. Where appropriate, examples have been included.

Comment. One commenter recommended that the requirement for financial and performance reports be deleted.

Response. No change has been made. The reports required by subparts P and Q of part 100b are authorized by section 434(b) of the General Education Provisions Act and OMB Circular No. A-102. They are necessary to maintain proper accountability.

[FR Doc. 78-31136 Filed 11-9-78; 8:45 am]

APPENDIX E

D.P.I. TITLE I
MIGRANT EDUCATION PROGRAM
ON-SITE MONITORING FORM
PI-1731

Consultant______________

Site______________

Date of Visit______________

Host______________

Project Brief:____

____

____

____

____

Instructional Activities, per grade/subject.

A.

B.

C.

D.

E.

Discussion with Host:

Recommendation(s):

M.S.R.T.S.

Person-in-Responsible-Charge____________________

In-Place YES?________ NO?________

Secure YES?________ NO?________

MSRTS Academic Form per pupil?____________________ Lacking____________

Updated?________ How Many?________ Lacking Update____________

Were Teachers Provided MSRTS In-Service YES?________ NO?________

Forthcoming?________

MSRTS Health Form per pupil?____________________

Updated?________ How Many?________ Lacking Update?____________

Health Services Provided?________ Needed?________

Participants and Services

	YES	NO
1. Does documentation exist to demonstrate the project is serving the priority students as per project narrative?	____	____
2. Does enrollment record match MSRTS enrollment?	____	____
3. Does the project employ appropriate methods to assess the needs of limited and non-English-speaking children?	____	____
4. Is there evidence to show that Title I Migrant Education is used to supplement and not supplant State or local funds?	____	____

Recommendations:

YES NO

5. Does the project provide services other than educational services to enrollees? If yes, please list services provided. ______ ______

1.____________________ 4.____________________

2.____________________ 5.____________________

3.____________________ 6.____________________

Supportive Services

1. Does adequate documentation exist to establish the need for supportive services? ______ ______
2. Is there an established process to coordinate supportive services within the instructional program such as a regular flow of information between classroom teacher and attendance staff ? ______ ______
3. Is there evidence of efforts to fully utilize other resources, public and private, to provide the supportive services needed e.g. National School Lunch Act, Migrant Health Clinic, State Compensatory Education Programs, Community-Based Organizations, Medicaid ? ______ ______

Staffing and Staff Development

1. Is the staffing design adequate for the requirements of the project? ______ ______
2. Are job descriptions on file? ______ ______
   a. Do employees have a copy of their respective job descriptions? ______ ______
   b. Do job descriptions clearly state relationship(s) to school district/C.E.S.A. staff? ______ ______
      1. Administrative ______ ______
      2. Teaching ______ ______

	YES	NO
3. Counselling	____	____
c. Do job descriptions clearly state responsibility to updating MSRTS? (teachers only)	____	____
d. Does recruiter job description clearly state P.A.C. responsibilities?	____	____
3. Has the staffing design requested in the project application been filled?	____	____
4. Is the Title I Migrant Education instructional staff desegregated?	____	____
5. Is there documentation of need for the particular in-service training which is offered?	____	____
6. Is there evidence of an evaluation of inservice training activities in terms of impact on the Title I Migrant Education Project?	____	____
7. Are the inservice training activities adequate with respect to content?	____	____
With respect to providers?	____	____
8. Which of the following are involved in inservice training activities?		
Administrators	____	____
Supervisors	____	____
Specialists (e.g. reading, math)	____	____
Classroom teachers	____	____
Private School Personnel	____	____
Aides	____	____
Counselors	____	____
Parents	____	____
Other (Specify)	____	____

	YES	NO
9. Does the project conduct joint inservice training activities for teachers and teacher aides?	____	____

Staffing

Grade/Subject	No. Being Served	Teacher,	Certified,	Bilingual	Aide	Bilingual
A.						
B.						
C.						
D.						
E.						
F.						

Recommendations:

Parent Involvement

	YES	NO
1. Is there a procedure for establishing/maintaining a parent council?	____	____
2. Is the Title I-M staff available to provide adequate support for the council(s)?	____	____
3. Does documentation exist concerning the functions of this committee (such as a record of meeting dates, minutes, roster of council membership)?	____	____
4. Do parent councils exist at individual participating schools? (If yes, explain to what extent in number 6 below).	____	____

	YES	NO
5. Is there a record that the parent council(s) has been involved in any of the following activities:		
Identification of needs	____	____
Project planning	____	____
Proposal review	____	____
Implementation of project	____	____
Project monitoring	____	____
Project evaluation	____	____
Dissemination	____	____
6. Is there a parent training program which includes the following components?		
Orientation to school system's policies and procedures	____	____
Development of leadership skills	____	____
Development of decision-making skills	____	____
Background knowledge and understanding in criticial areas (e.g. - principles of child development, rationale for district's curriculum, district finances, history and purpose of Title I, other Federal programs, other types of community participation)	____	____

Project Operations

1. Does it appear that the objectivies listed in the application for the project are being achieved?	____	____
2. Does the professional staff display an interest in and an enthusiasm for the project?	____	____
3. Is the project coordinated with the regular school program?	____	____
4. Do the personnel conducting the project have an adequate understanding of Title I-M, its purposes and goals?	____	____

		YES	NO
5.	Does the project supplement the regular program?	____	____
6.	Do the grouping, class size, and pupil-teacher ratio appear appropriate for this project?	____	____
7.	Do the grouping, class size, and pupil-teacher ratio correspond to the project application?	____	____
8.	Is there evidence of desirable interaction between teacher and student?	____	____
9.	Is any language other than English used in instruction?	____	____
10.	Does this project appear to respond to the linguistic and cultural needs of the children?	____	____
11.	Are the children who receive supportive services also receiving instructional services from Title I?	____	____
12.	Are private school children participating in this project? Where: ______________________________	____	____
13.	Do any participants come from outside the project area?	____	____
14.	Does the classroom scheduling of the project appear adequate? (i.e. It does not interfere with other important classes; it is at a time when students can conveniently attend; it is of appropriate duration; etc.)	____	____
15.	Is the facility for this project appropriate?	____	____
16.	Is the location for this project appropriate?	____	____
17.	Are the materials used in the activity appropriate and in good supply?	____	____
18.	Do the Title I-M equipment and materials correspond to the inventory for this project?	____	____

YES NO

19. Is the Title I-M equipment permanently labeled? ____ ____

20. Does the average daily attendance or caseload correspond to reported information? ____ ____

Recommendations:

Evaluation:

YES NO

1. Does the school district conduct a per-school evaluation of the Title I-M activities? ____ ____

2. Does the school district conduct a per-project evaluation of the Title I-M activities? ____ ____

3. Does the CESA/LEA conduct a similar evaluation? ____ ____

3a. When?____________________

4. What branch of the school district carries out the evaluation?

Dissemination of Project Information:

1. Does the local school conduct dissemination on the project? ____ ____

A. for recruitment? ____ ____

B. for public relations? ____ ____

C. for PAC? ____ ____

D. for CESA? ____ ____

	YES	NO
2. Does CESA carry out similar functions?		
A. for recruitment?		
B. for public relations?		
C. for PAC?		
D. for CESA?		

Budget Accounting:

	YES	NO
1. Is the budget overstated?		
2. Does the budget include only funds budgeted from Title I-Migrant funds for food?		
3. Is the accounting current?		
4. Do the expenditures coincide with the approved budget?		
5. Does the participating agency understand the accounting is to be closed within 60 days of the close of the instructional program ?		

Reccomendations:

Monitoring: (CESA Projects Only)

	YES	NO
1. Does CESA conduct monitoring activities?		
2. Is there a file on CESA monitoring visits?		
3. Is there follow-up by CESA to ensure recommendations are carried out?		

Monitoring: (DPI Only)

	YES	NO
1. Does D.P.I. conduct monitoring activities?		
2. Is there a file on D.P.I. monitoring visits?		
3. Is there follow-up by D.P.I. to ensure recommendations are carried out?		

APPENDIX F

LIST OF REPORTS AND DUE DATES*

FEBRUARY 1 - Date for having completed state application. State plan placed on file for review and comment.

1 - Date for completing and forwarding Annual Migrant Evaluation Report to the U.S. Office of Education.

15 - Date for operating agencies to submit Title I Migrant Applications for summer projects to DPI's Title I Migrant Office.

MARCH 15 - Due date for all summer migrant applications to be approved.

APRIL 15 - Due date for submitting State Plan to the Commissioner, U.S. Office of Education.

JUNE 1 - Date for operating agencies to submit Title I Migrant Applications for school-term projects to DPI's Title I-Migrant office.

JULY 1 - Due date for all school-term migrant applications to be approved.

JULY 31 - Due date for submitting school-term End-of-Project Evaluation Reports for projects which operated through May or early June.

OCTOBER 15 - Due date for submitting summer End-of-Project Evaluation Reports.

*YEAR-ROUND - All migrant projects, summer and school-term, are to be closed within 60 days of the completion of the project. Closing of a project includes submission of the End-of-Project Evaluation Report, final expenditure report, project inventory list of all equipment and property that is acquired with Title I Migrant education funds, and a final-withdrawal MSRTS Transfer Form for each child enrolled in the project.

WISCONSIN ESEA, TITLE I - MIGRANT

CALENDAR OF ANNUAL MIGRANT EDUCATION EVENTS

January	A.	Area and project coordinators* meet to discuss project proposals, planning, implementation activities, inservice, and evaluation schemes for upcoming summer migrant education program.
	B.	DPI distribution of TI-Migrant Application and Application Guide to area and project coordinators.
February/ March	A.	Public notice given of State Plan for review and comment period.
	B.	State Advisory Council** meets to plan migrant program activities and to make recommendations.
March	A.	Negotiations of LEA summer-project applications.
	B.	Planning of staff recruitment activities.
	C.	Approval by SEA of all summer migrant applications.
April	A.	Finalization of plans for inservice training activities.
	B.	Recruitment of teachers for summer program begins.
May	A.	Continuation of summer-staff recruitment.
	B.	State Parent Advisory Council meets
June	A.	Approval by SEA of all school-term migrant project applications.
	B.	All staff positions for summer program are to be named by June 1.
	C.	Identification and Recruitment inservice training for recruiters at LEAs.
	D.	DPI sponsored statewide orientation and program inservice training for all summer project sites' staff.

---

*AREA and PROJECT COORDINATORS are those persons working in a Title I-Migrant funded program.

**ADVISORY COUNCIL refers to members of the state or area advisory councils having parent representation for Migrant Education.

	E.	Summer projects begin.
	F.	Technical assistance visits to summer sites.
	G.	Planning for on-site monitoring of summer projects.
July	A.	Orientation and program inservice training at area and project sites for summer projects that begin in July.
	B.	State Parent Advisory Council meets
July - August	A.	On-site monitoring of all summer projects is in progress.
	B.	DPI conducts summer evaluation conference: Teachers, aides, parents, area and project coordinators from each project site make recommendations for fall and summer projects.
August	A.	Follow through with area and project site coordinators to close projects and submit evaluation reports, fiscal reports, final MSRTS records/forms, and migrant property/equipment inventory lists within 60 days of the completion of summer projects.
	B.	All summer projects will have been monitored.
August/ September	A.	Orientation and program inservice training for school-term project staff at school districts.
	B.	School-term migrant projects begin.
September	A.	Advisory council meets to evaluate the past summer program; to review migrant educational services being provided students in school-term projects; and to make further program recommendations.
	B.	Technical assistance and inservice training provided as requested/needed at school districts and operating agencies.
October - November	A.	Meetings as needed with area coordinators to resolve concerns or problems created in the closing of the summer projects.
November	A.	State Advisory Council members, parents, and area and project coordinators meet to plan migrant education activities for the next year and advise the State Educational Agency in the development of the Title I-Migrant State application.

	B.	DPI Migrant unit planning for the following fiscal-year activities.
December	A.	Area and project coordinators meet to review the development of the state application and to make recommendations.
December/ January	A.	Meetings with area and project coordinators to plan project activities for migratory children.
Year-round		DPI and outside consultants provide inservice training to teachers, aides, and parents in the content areas of: math, reading, early childhood skills, oral language, bilingual and bicultural development, and English as a Second Language (ESL). Inservice is to be held at least twice a year during the period of the school-term migrant projects. Inservice locations will be determined by the SEA's migrant education unit.

(PI 1-80)

WISCONSIN AGRICULTURAL CROP CALENDAR [1]

See Map, next page

CROPS [2]	JAN.	FEB.	MAR.	APR.	MAY.	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	PRINCIPAL CROP DISTRICTS
Hay				10...	..15	10///	///////	//////	////30				WC,EC,SW,NC
Oats				10...	..15		25/	////30					NC,WC,EC,SW,SC
Lettuce				10...	......	...25/	/10///	////////	///25				NE, C, SC
Strawberries				15...	..15	15//	////////	/1					NW, NE,WC,C,EC,SE
Beets				15..	....	..15	10///	///////	///////	////////	//10		EC,SC,SE
Green Peas				15...	.10	15//	////////	//10					C,EC,SC
Onions				15...	...20				1//////	/5			C,EC,SC,SE
Barley				20..	5		20//	/10					WC,EC
Mint				20..	....	.1	10///	////////	//15				C,SC
Potatoes				20..	....	..10	20//	///////	////////	/////30			NC,NE,C
Spinach				20..	1	10//	/////////	///15					C,SE
Sring Wheat				25	.10		30	////20					EC,SE
Cabbage				25	......	....	.1 5//	////////	////////	////////	///15		EC,SC,SE
Grain Corn					5.....	.5				5/////	/////25		WC,SW,SC
Sweet Corn					5.....	...30		5/////	////////	1			C,EC,SC
Silage Corn					10....	.10			10////	//15			SC,NC,EC
Snap Beans					10....	....	..15///	////////	////25				NW,NE,C,EC
Apples *					12.30			8/////	////////	////////	/5		NW,SW,WC,EC,SE
Carrots					15...	...30		15//	/////////	////////	1		C,EC,SC,SE
Green Lima Beans					15...	....	.10	15//	/////////	/10			WC,SC
Cucumbers(pickle)					15...	..15	25/	/////////	////////	1			NE,C
Soybean					20..	..15				10///	///15		WC,SC,SE
Cherries *					25.	30	25//	//15					EC
Tobacco						5.....	.5	20//	/////30				SW,SC
Cranberries *						1	.5		20//	///////	1		C,WC,NC,NW
Rye						(of the	15////	/5	1.......	...15			C
Winter Wheat					following yr)		15////	/5	10..30				SE
Christmas Trees				Planting and trimming till Oct						10//////	/10		C

KEY: ....PLANTING PERIODS //////////////HARVEST PERIODS

APPENDIX H

[1] Source: Wisc. Dept. of Agriculture; U.S.D.S.; U.S. Dept of Commerce: "Wisc. Crops from Planting to Harvest." (From 1974, and 1979 Statistics)

[2] Crops are listed here in chronological planting dates.

* Average dates of "full bloom" are shown as planting dates for these fruit crops.

NOTE: Field crops (9.7%), Vegetables (4.6%), and Fruits and Specialities (4.3%) constitute 18.6% of Wisconsin's total cash receipts for Commodoties (1978); Livestock and Livestock Products make up the remaining 81.4%.

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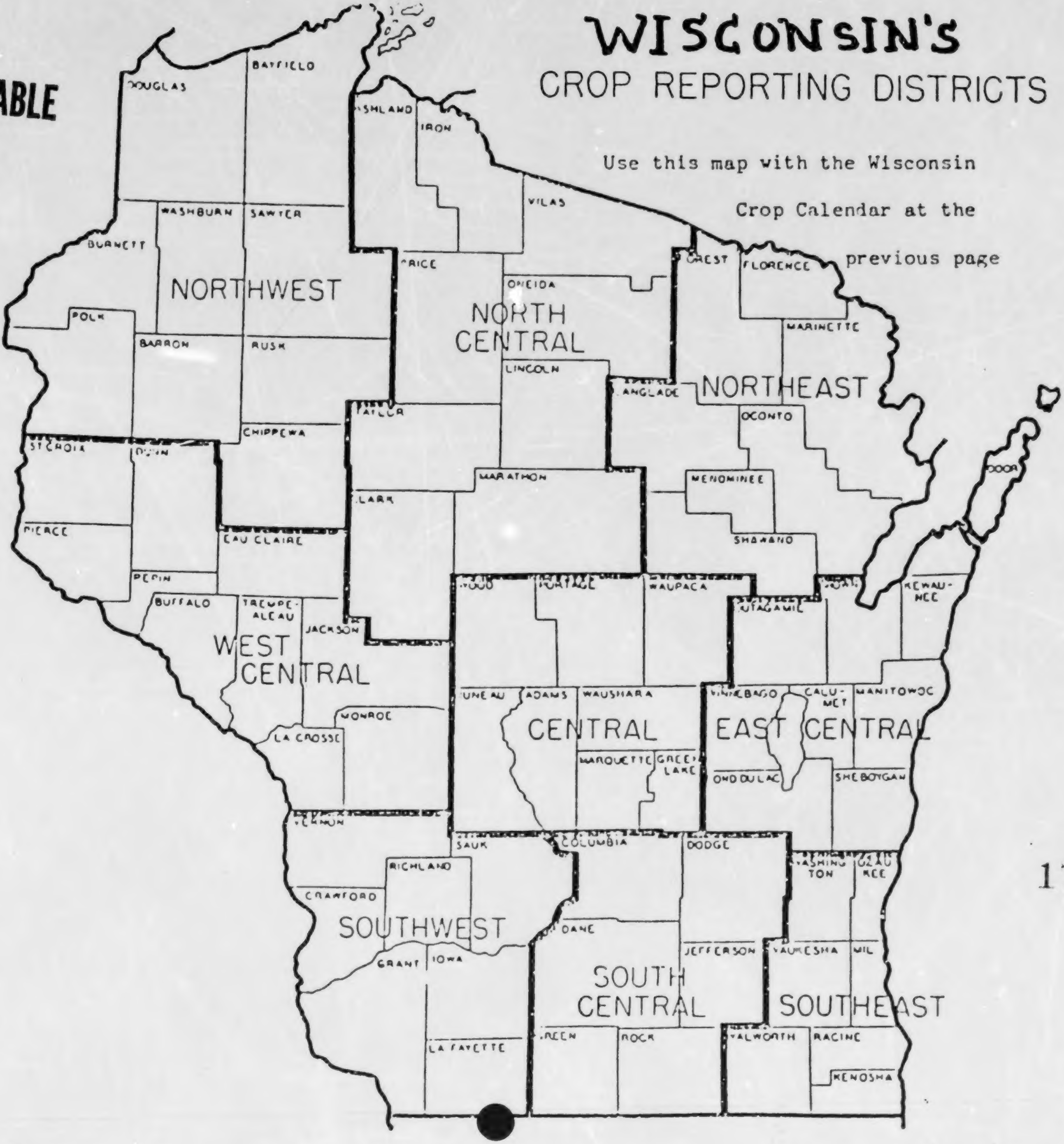
WISCONSIN'S

CROP REPORTING DISTRICTS

Use this map with the Wisconsin Crop Calendar at the previous page


NORTHWEST
DOUGLAS
BAYFIELD
WASHBURN
SAWYER
BURNETT
POLK
BARRON
RUSK
ST CROIX
DUNN
CHIPPEWA
NORTH CENTRAL
SHLAND
IRON
VILAS
PRICE
ONEIDA
LINCOLN
AYLOR
LARK
MARATHON
NORTHEAST
OREST
FLORENCE
MARINETTE
ANGLADE
OCONTO
MENOMINEE
SHAWANO
DOOR
WEST CENTRAL
PIERCE
EAU CLAIRE
PEPIN
BUFFALO
TREMPE-ALEAU
JACKSON
MONROE
LA CROSSE
CENTRAL
OOD
PORTAGE
WAUPACA
UNEAU
ADAMS
WAUSHARA
MARQUETTE
GREEN LAKE
EAST CENTRAL
ROWN
KEWAU-NEE
UTAGAMIE
INNEBAGO
CALU-MET
MANITOWOC
OND DU LAC
SHEBOYGAN
SOUTHWEST
ERNON
RICHLAND
CRAWFORD
GRANT
IOWA
LA FAYETTE
SAUK
SOUTH CENTRAL
COLUMBIA
DODGE
DANE
JEFFERSON
REEN
ROCK
SOUTHEAST
ASHING TON
OZAU KEE
WAUKESHA
MIL
ALWORTH
RACINE
KENOSHA

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DEFINITIONS

Following are some of the terms used in this handbook. The definitions are brief and most commonly used. Several of them have expanded definitions which may be found in the Federal Register, Vol. 43, No. 219, November 13, 1978.

Agricultural Activity - Any activity directly related to the production or processing of crops, dairy product, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence. This activity includes direct cultivation or harvesting of trees, and activities directly related to fish farms.

Currently Migratory Child - A child whose parent or guardian is a migratory Agricultural worker and who has moved with his/her parent or guardian within the past twelve months across a school district boundary or boundaries in order that a parent, guardian or member of his or her immediate family might secure temporary or seasonal employment in an agricultural or fishing activity. ("Currently" includes Interstate, and Intrastate Statuses, see below.)

Day Care Services - Means custodial care of children or infants that satifies the standards of applicable state law, and services necessary to support attendance in Title I-Migrant supported instructional services.

Eligible Migratory Child - A child who is either a currently or formerly migratory child between the ages of birth and 21 inclusively.

Entitlement - That sum of money to be made available to the SEA and/or LEA based on an appropriation and distribution formula contained in the legislation.

Fishing Activity - Any activity directly related to the raising and catching of fish and shellfish from streams, lakes and oceans, and to the processing of such fish for initial distribution through commercial market channels.

Formerly Migratory Child - A child who, with the concurrence of his or her parents, is considered a migratory child on the basis that the child was eligible to be counted and served as a currently migratory child within the past five years but is not now a currently migratory child.

Migrant Status - Refers to the following classifications of eligible migrant children: 1) interstate agricultural migrant, 2) intrastate agricultural migrant, 3) formerly agricultural migrant, 4) interstate migratory fishers, 5) intrastate migratory fishers, 6) formerly migratory fishers (five-year).

Instructional Aide - A person assigned to assist a certified teacher in the instructional process. The aide may be a volunteer or a paid employee, a student or an adult.

Operating Agency - A LEA to which an SEA makes a subgrant of ESEA Title I migrant education funds. (See 116d.2)

Para-Professional - A person who may have some professional training but is not certifiable as a professional in the area of employment.

Parental Involvement - Includes both formal and informal involvement of parent. The PAC represents the formal involvement and parent-teacher conferences are representative of informal involvement. (See 116d.37)

Preschool Instruction - Services comprised primarily of activities designed to increase the children's readiness for instruction in the basic academic skills, and not primarily designed for custodial purposes. These services are limited to eligible migratory children who are below the age at which public elementary instruction is being provided under state law.

Project - A set of activities composed of instructional or supportive services provided by an SEA or through an LEA to eligible migratory children, and which are designed to meet the objectives of a state plan for migrant education.

Public Law 89-10 - The Elementary and Secondary Education Act of 1965 (ESEA) which provides for the education for disadvantaged children under various titles.

Public Law 89-750 - An amendment to Public Law 89-10 which provides authorization for programs specifically designed to meet the special educational needs of children of migratroy agricultural workers.

Public Law 93-380 - An amendment to Public Law 89-10 to include children of migratory fishermen and to require the use of the Migrant Student Record Transfer System (MSRTS).

Public Law 95-561 - An amendment to Public Law 89-750 which mandates parent advisory councils at the state level and local school district (operating agency) level.

Supportive Services - Services which are not a part of the curriculum but are necessary for optimum participation in the program. Examples include health, food services, and day care services for eligible migratory children (116d.38).

Teletype Terminal - The machine used to transmit all pertinent pupil data via direct computer linkage to the MSRTS Central Depository in Little Rock, Arkansas.

Uniform Migrant Student Medical Transfer Form - One of two forms used by the MSRTS to record and transfer medical background information regarding a pupil.

Uniform Migrant Student Educational Transfer Form - One of two forms used by the MSRTS to record and transfer information about a student which is primarily academic in nature.

APPENDIX J

ACRONYMS

The use of acronyms can cause some confusion unless all those involved in communication understand them. Following is a list of common acronyms used in migrant education. It is not all-inclusive, but it should be helpful.

CETA -- Comprehensive Employment and Training Act
DILHR -- Department of Industry, Labor and Human Relations
DPI -- Department of Public Instruction
ESEA -- Elementary and Secondary Education Act
HSS -- Department of Health and Social Services
LEA -- Local Education Agency
MSRTS -- Migrant Student Record Transfer System
PAC -- Parent Advisory Council
SEA -- State Education Agency
SPAC -- State Parent Advisory Council
TMC -- Texas Migrant Council
UMOS -- United Migrant Opportunity Service
USDA -- United State Department of Agriculture
USOE -- United States Office of Education

APPENDIX K

RECOMMENDED MAINTENANCE AND MAILING PROCEDURES FOR THE MSRTS EDUCATIONAL AND MEDICAL TRANSFER FORMS

Starting the MSRTS Process

The migrant recruiter from your project or school attendance area begins the MSRTS process by completing the Department of Public Instruction (DPI) Identification/Recruitment Form, and mailing these to the Migrant Education office in Madison. All MSRTS correspondence is mailed from schools to DPI, and only DPI should mail or transmit records or forms to the National Migrant Education computer data base in Little Rock, Arkansas.

When DPI receives the Identification/Recruitment Forms, this information is transmitted to Little Rock. Within 24 hours of the DPI transmission, a "set" of Transfer Forms will be mailed to the school or operating agency where the child is enrolled. A complete set of Transfer Forms consists of the following:

A Transfer Form Set

Versions	No. of "copies" (Not the no. of sheets)
Uniform Migrant Student Educational Transfer Form:	Three
Uniform Migrant Student Medical Transfer Form:	Two

Normally, the three Education versions come together with the two Medical versions in the same white and blue envelope to a designated person at the school. Occasionally, the Medical versions come in a separate envelope a day or two later. This is a Little Rock procedure, so please wait an additional day before determining that your school has not received a child's Medical form. Also, quite often there may be two marked pages of a "copy". This will then be seen with the words "Page 1 of 2 pages" and "Page 2 of 2 pages", which, for the Educational version, means that six sheets will make up the Educational version for a child. If there are also Medical forms with "Page 1 of 2 pages" and "Page 2 of 2 pages", then the Medical version will consist of four sheets. Thus, in this example there would be a total of ten sheets for a particular child's set of transfer forms.

What is done by the School when it's staff receives a migrant child's Set of Transfer Forms? During the MSRTS process, the enrolling school will receive an Initial Enrollment Set, and a Final Withdrawal Set of Transfer Forms. These are not marked as such, but this a convenient way to distinguish them and to describe them. The following parts state the recommended steps that various staff members should take in order to establish and maintain continuity of educational and medical records for migratory children in Wisconsin.

I. Upon Receiving Initial Enrollment Transfer Forms

A. Program Coordinator (Addressee)

1. Have the MSRTS clerk or designated staff person mail one Educational Copy to DPI immediately for each child. (DPI maintains an "Active MSRTS Enrollment" file based on these submissions.)

2. Distribute remaining Educational versions (two copies) to Educational Staff for utilization.

3. Distribute all Medical versions (two copies) to Medical/Health Staff for utilization.

B. Teacher and Health Staff

1. Following inservice workshop instructions and the MSRTS School User's Manual, make red-ink updates on your particular versions' copies for each child. The DPI Migrant Staff can be reached at (608) 266-0925 for any technical assistance.

II. Upon Child's Withdrawal or Upon End-of-Project

A. Teacher and Health Staff

1. Make all of your red-ink updates, e.g., date withdrawn, days enrolled, school health data, special programs, test data, and health problems, on both copies of the Educational version and of the Medical version.

2. The teacher keeps one of these "withdrawal-update" copies in the project (summer, or regular school-term) file for that child, and gives the other remaining copy to the person maintaining the withdrawn child's Medical Transfer form.

3. The Health Staff person then does similar updates (e.g., date withdrawn, health problems) on the two copies of the child's Medical version, keeps the first of these two copies on project file, and forwards the second copy along with the teacher's updated copy on to the Program Coordinator. The MSRTS process will be improved if the above coordinated actions are followed by all program personnel.

B. Program Coordinator

1. Determine that a red-ink updated copy of each version is enclosed.

2. Immediately mail these updated copies for each child to DPI's Migrant Education Office on a daily basis, or as often as your staff forwards these to you.

3. After DPI receives and processes all of the MSRTS Transfer Form updates, Little Rock will mail to the program coordinator at each migrant project a Final Withdrawal Set of Transfer Forms.

III. Upon Receiving Final Withdrawal Transfer Forms

A. Program Coordinator

1. For each child you enrolled and withdrew you should receive a Set of Transfer Forms which contains all the updated information which your staff submitted to you. This is the Final Withdrawal Set for the particular project in which the child was served.

2. Ensure that all red-ink update entries from the teacher's file and health provider's file are also computer printed on each child's Transfer Forms. Make red-ink corrections if necessary on all versions before proceeding.

3. If all withdrawal update information is computer printed, or after you have made any necessary red-ink corrections to the computer-printed versions, destroy the teacher's file copy for the designated project* and replace it with two (2) copies of the Final Educational Transfer Form. Set the last (3rd) copy of the Final Educational form aside for mailing to DPI (see step 5).

4. If health-withdrawal information is accurate or now corrected, destroy the health provider's file copy for the designated project and replace it with one (1) copy of the Final Medical Transfer Form. Set the last (2nd) copy of the Medical Form aside for mailing to DPI (see step 5).

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* The designated project can normally be confirmed by reading the data at the top right area "School name and short ID", and by reading the enrollment period in the (SH) School History Data Section of the Education Transfer Form. The School name in SH tells you where the child has most recently been enrolled via MSRTS. If the child has left your project, it is very likely that a school name and enrollment date other than your project will be printed here in the SH section.

5. Place together (preferably stapled) the one set-aside copy of the final Educational, and the one set-aside copy of the final Medical Transfer Form, and mail these to DPI on a daily basis, or as often as you receive them.

6. The final MSRTS copies which you have placed on file for a particular migrant project file are to maintained for five (5) years.

General Summary of Procedures

After you enroll a child in the MSRTS, you recieve 3 copies of the Educational, and 2 copies of the Medical Transfer Form, i.e., a complete "Initial Enrollment" Set of Transfer Forms. One Educational copy is sent immediately to DPI. When the child withdraws from your project, one updated Educational copy and one updated Medical Transfer form are sent to DPI. Upon Little Rock's transaction of your submitted updates, you receive a complete "Final Withdrawal" Set of Transfer Forms. After these have been checked for completeness, and you have filed your school copies (2 Educational and 1 Medical), one final Educational copy and one final Medical Transfer Form copy are mailed together from you to DPI in order to complete the MSRTS process for each child enrolled in your project.

APPENDIX L

2-4-80

WISCONSIN'S MIGRANT CHILD POPULATION

BY COUNTY AND AGE, 1979 (1)

COUNTY	AGES					
	Less than 4	4	5-17	18-21	Over age 21	TOTAL
COLUMBIA	26	7	114	5	1	153
DANE	17	5	33	2	0	57
DODGE	24	9	176	12	2	223
DOOR	28	3	50	4	0	85
FOND DU LAC	1	1	4	0	0	6
GREEN LAKE	39	11	191	13	1	255
JEFFERSON	51	20	171	6	0	248
KENOSHA	69	35	309	1	0	414
MARINETTE	0	0	26	0	0	26
MARQUETTE	68	12	166	12	0	258
MILWAUKEE	13	8	38	0	0	59
OCONTO	42	6	88	1	0	137
PORTAGE	0	1	28	1	0	30
RACINE	62	48	615	6	0	731
SHEBOYGAN	16	3	49	0	0	68
WALWORTH	3	1	78	5	1	88
WASHINGTON	71	19	27	0	0	117
WAUPACA	37	11	50	0	0	98
WAUSHARA	120	16	395	46	3	580
WINNEBAGO	0	0	27	0	0	27
STATEWIDE TOTAL (2)	659	206	2,454	112	8	3,439

1 Source: MSRTS FTE/ENROLLMENT SUMMARY REPORT, CALENDAR YEAR 1979

2 ADJUSTED: Numbers are the total of individually-identified migrant children served at least once in 1979.

Wisconsin-MSRTS Transfer Form Routing

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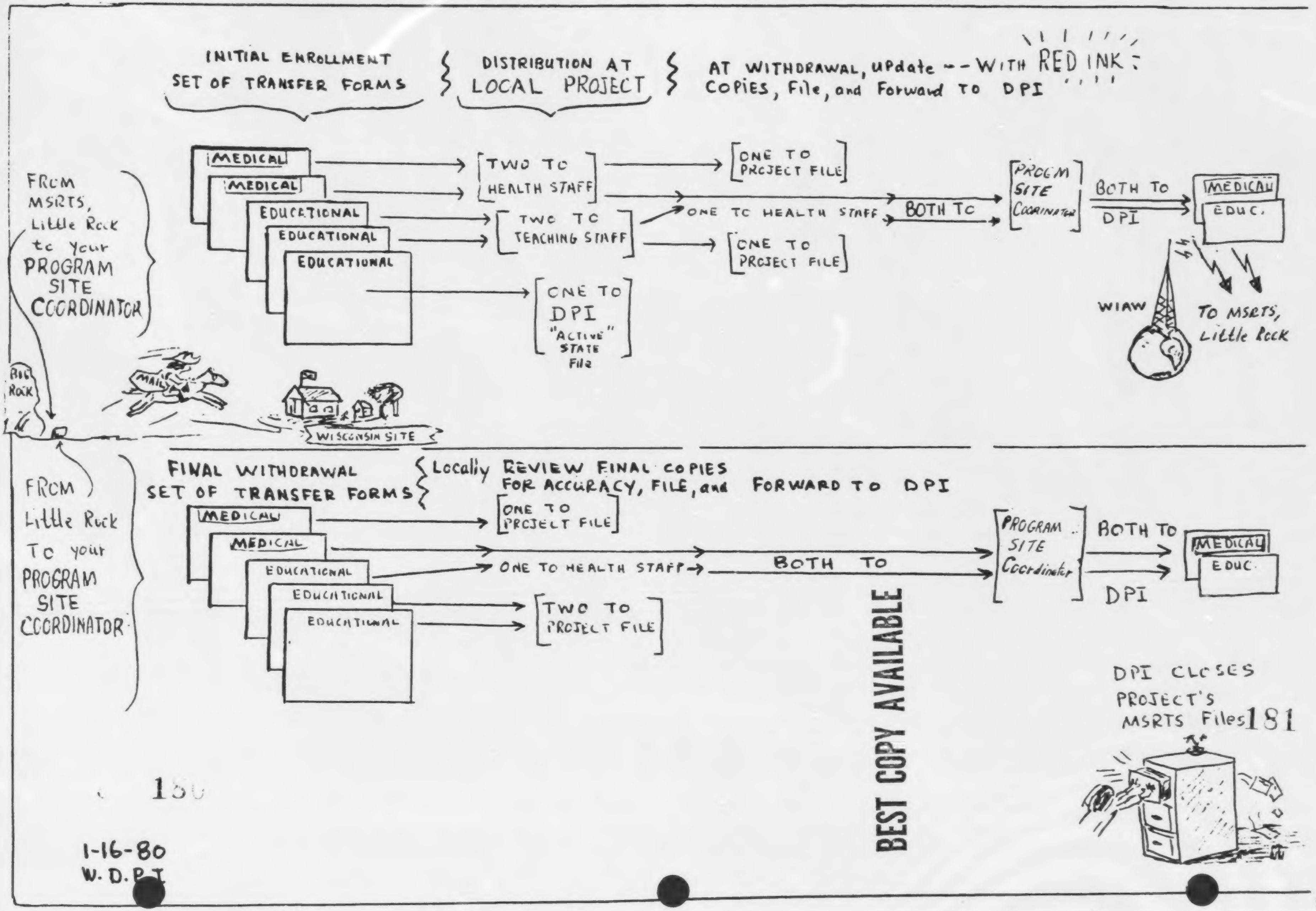
INITIAL ENROLLMENT SET OF TRANSFER FORMS
DISTRIBUTION AT LOCAL PROJECT
AT WITHDRAWAL, update -- WITH RED INK: COPIES, File, and Forward TO DPI
FROM MSRTS, Little Rock to your PROGRAM SITE COORDINATOR
MEDICAL
MEDICAL
EDUCATIONAL
EDUCATIONAL
EDUCATIONAL
TWO TO HEALTH STAFF
ONE TO PROJECT FILE
TWO TO TEACHING STAFF
ONE TO HEALTH STAFF
ONE TO PROJECT FILE
ONE TO DPI "ACTIVE" STATE File
BOTH TO
PROGM SITE COORDINATOR
BOTH TO DPI
MEDICAL
EDUC.
WIAW
TO MSRTS, Little Rock
BIG ROCK
MAIL
WISCONSIN SITE
FINAL WITHDRAWAL SET OF TRANSFER FORMS
Locally REVIEW FINAL COPIES FOR ACCURACY, FILE, and FORWARD TO DPI
FROM Little Rock To your PROGRAM SITE COORDINATOR
MEDICAL
MEDICAL
EDUCATIONAL
EDUCATIONAL
EDUCATIONAL
ONE TO PROJECT FILE
ONE TO HEALTH STAFF
BOTH TO
TWO TO PROJECT FILE
PROGRAM SITE Coordinator
BOTH TO DPI
MEDICAL
EDUC.
DPI CLOSES PROJECT'S MSRTS Files

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1-16-80
W. D. P. I.

APPENDIX M

STATE STAFF DIRECTORY
TITLE I ESEA SECTION

Administration

Frank N. Brown, Administrator	608-266-2699
Marcia Jacobson, Secretary	608-266-2699

Program

Consultants

Beverly Calhoun - CESA #15, Milwaukee Public Schools	608-266-2533
William Ernst - CESA #9, #10, #11	608-266-2533
Don Gehrmann - CESA #2, #12	608-266-2697
Nancy Lincoln - CESA #4, #17	608-267-7380
Kathleen Phillips - CESA #1, #8, #19	608-267-7380
Dorothy Placide - CESA #6, #14	608-266-2820
Myrna Toney - CESA #3, #16, #18	608-266-2697
James Wall - CESA #5, #7, #13	608-266-2820

Administrative Assistants

Bettejane Achtor - CESA #3, #5, #8, #11, #15, #19	608-267-7381
Una Patton - CESA #1, #6, #9, #10, #14, #16	608-267-7381
Rick Whipp - CESA #2, #4, #7, #12, #13, #17, #18	608-267-7381

Secretaries

Janice Griswold	608-266-2697
Laura Mieden	608-266-2697
Carol Thompson	608-266-3515
Rhonda Christopher	608-266-2697

Evaluation

David Krueger, Evaluation Coordination and Reporting	608-266-3515

Fiscal

Emma Weber, Finance Officer	608-266-2690
Alan Virnig, Accountant	608-266-8053
John Norton, Accountant	608-266-8053
Bonnie Forsythe, Secretary	608-266-8053

Migrant Program

Daniel Costilla, Jr., Consultant	608-266-9616
David De Soto, Administrative Assistant	608-267-7338
Jeanne Meyer, Terminal Operator and Maintenance of Records	608-266-0925
Kathryn O'Connor, Secretary	608-266-0925

Follow Through - Lac du Flambeau

Frank N. Brown, Administrator	608-266-2699
Dorothy Placide, Consultant	608-266-2820

BYLAWS OF THE WISCONSIN MIGRANT EDCUATION STATE PARENT ADVISORY COUNCIL

ARTICLE I

NAME:

The name of this organization shall be The Wisconsin Migrant Education State Parent Advisory Council.

ARTICLE II

DUTIES AND RESPONSIBILITIES:

A. To assist the State Superintendent of Public Instruction, and Title I Migrant Education Staff, Department of Public Instruction (DPI) in the development and administration of the Wisconsin State Title I Migrant Program in the following areas:

1. Assist the D.P.I. in the preparation of the Department's Title I (ESEA) Migrant Education State Plan/Application to the U.S. Office of Education.
2. Make recommendations, based on findings of the appropriate Council's Committees, to the D.P.I. concerning the administration of the State Program.
3. Assist the D.P.I., through the appropriate Committee, in developing criteria for approval of projects funded under the terms established by the Title I Migrant Department Plan/Application.
4. Assist the D.P.I. in reviewing projects, through the appropriate Committee, for funding within the terms established by the Department's Title I Migrant Plan/Application.
5. Assist the D.P.I. in conducting the evaluation, through the appropriate Committee, of the Title I Migrant Program (Projects).
6. Assist the D.P.I. in disseminating information, (via a plan to be included in the Department's Plan/Application) related to the Department's Title I-Migrant Program.

B. To help establish and maintain clear lines of communication between the D.P.I. and organizations, public and private, whose work and purpose are related to Title I-Migrant.

C. To prepare and submit to the D.P.I. appropriate reports, (upon completion of tasks), assigned to the Council by the S.S.P.I. or required by law and regulations of Title I-Migrant, the Department's Plan/Application, including an annual report of the Council's activities, recommendations and evaluations to the D.P.I. and the U.S. Office of Education.

D. To review and, where requested/required, comment on the Department's State Plan/Application, reports and evaluations.

E. To be advised of complaints, their solution and reporting to the D.P.I. and the U.S. Office of Education.

ARTICLE III

OPERATING PROCEDURES OF THE WISCONSIN MIGRANT EDUCATION STATE PARENT ADVISORY COUNCIL:

A. Selection of Members and Term of Office

All members shall be officially appointed by the State Superintendent of Public Instruction (S.S.P.I.) for three year terms of office, with subsequent reappointment possible for successive terms of office. Initial appointments shall be divided between one, two, and three-year memberships. Potential parent members will be nominated by local Parent Advisory Councils, such nominees to be considered for appointment by the S.S.P.I. along with others suggested by the State Parent Advisory Council. Nominees submitted from local migrant education parent advisory councils (PAC's) shall be selected at official meetings of record, with a list of such nominees to be forwarded by the State Parent Advisory Council to the S.S.P.I. through the State Migrant Education program administrator (State Parent Advisory Council liaison person). Terms of office shall expire on (date to be determined) of the second year following appointment. The term of office shall be specified in the letters of invitation sent by the S.S.P.I. to Council members. Each appointment shall be effective and each Council member shall begin serving upon the filing of his or her written acceptance with the S.S.P.I.

B. Council Composition

The Wisconsin Migrant Education State Parent Advisory Council membership shall consist of not more than 22 and not less than 17 members. Representatives will be drawn from the field projects in the following formula:

		Parents	Educators	Migrant Serving Agencies
CESA #3*	3 members	2	1	0
CESA #13	8 members	6	1	1
CESA #18	6 members	4	1	1
Madison	1 member	1	0	0
Bear Creek				
Cedar Grove				
Oconto				
Sister Bay				

*New operational organization: includes Bear Creek, Cedar Grove, Oconto and **Sister Bay.**

Also, associate membership in this organization shall be open to the state migrant education staff and administrators of local migrant education projects.

C. Alternate

An interstate migrant parent who has been duly elected to serve on this council shall have a single alternate (named at the disoretion of the local P.A.C.) appointed to serve in his/her absence during time spent out-of-state. This may be the only instance in which membership on this council shall be transferable or assignable. Such alternate shall serve as a duly appointed member for that period of time only, and shall be accorded all the rights and privileges of a council member.

D. Termination of Memberships

1. Failure on the part of an S.P.A.C. member to attend any three consecutive council meetings without notification to the chairperson or executive secretary shall be cause for termination of membership on the Wisconsin Migrant Education S.P.A.C. Such member shall be notified of this possible action, and will be given until the next scheduled meeting to respond and express his intent of remaining on the council.

2. The council shall have the right by a two-thirds majority of S.P.A.C. members present to terminate an individual's membership on the Wisconsin Migrant Education S.P.A.C. for unethical behavior--such behavior will be interpreted by the S.P.A.C. members. A hearing regarding such matters can be called by a majority of those council members present consituting a quorum.

E. Vacancy

Any vacancy on the council shall be filled for the remainder of the unexpired term through appointment by the local P.A.C. and approval by the S.S.P.I.

F. Quorum

A simple majority of regular members shall constitute a quorum.

G. Voting

Members shall be entitled to one vote and may cast that vote on each matter submitted to a vote of the Advisory Council. Associate members and guests are not entitled to a vote. Proxy voting and absentee ballots shall not be permitted.

H. Decisions of Advisory Council

All decisions of the Advisory Council shall be made only after an affirmative vote of a majority of its members in attendance, provided a quorum is in attendance.

ARTICLE IV

MEETINGS OF THE STATE PARENT ADVISORY COUNCIL:

A. Meetings

The Advisory Council shall meet a minimum of 5 times each year or at the call of the S.S.P.I. and/or S.P.A.C.

B. Place of Meetings

The Advisory Council shall hold its regular meetings and its special meetings in a facility approved by the S.P.A.C.

C. Notice of Meetings

Meetings must be preceded by reasonable notice. Any change in the established date, time, or location must be given special notice. Any required notice shall be in writing; shall state the hour, day, and location of the meeting; shall be delivered either personally or by mail to each member not less than seven days or more than three weeks before the date of such meetings.

D. Meetings Open to the Public

All meetings of the Council shall be open and public and all persons shall be permitted to attend.

E. Conduct of Meetings

All meetings of the Advisory Council shall be conducted in accordance with Robert's Rules of Order or in accordance with an appropriate adaption thereof.

ARTICLE V

OFFICERS:

The officers of the S.P.A.C. shall consist of the following:

A. Chairperson

The chairperson shall preside at all meetings of the Council and will sign all letters, reports, and other communications of the Council. In addition, he/she shall perform all duties incident to the office of chairperson and such other duties as may be prescribed by the Council from time to time. The chairperson shall be selected for a one-year term by a majority vote of the Advisory Council membership present at the first regular Advisory Council meeting of each fiscal year. The chairperson may be reelected for successive terms.

B. Vice-Chairperson

The duties of the vice-chairperson shall be to represent the chairperson in assigned duties and to substitute for the chairperson during his or her absence, and he/she shall perform such other duties as from time to time may be assigned by the chairperson or by the Advisory Council. The vice-chairperson shall be elected by Advisory Council membership in the same manner and for the same term of office as the chairperson.

C. Executive Secretary (S.S.P.I. Staff Liaison Person)

The executive secretary shall be appointed by the State Superintendent of Public Instruction and shall cause to be kept the minutes of the meetings (both regular and special) of the Advisory Council and shall promptly transmit to each of the members, to the S.S.P.I. and to such other interested persons, true and correct copies of the minutes of such meetings; see that all notices are duly given in accordance with the provisions of these bylaws; be custodian of the Council's attendance and other records; keep a current register of the addresses and telephone numbers of the members of the Council; and in general, perform all duties incident to the office of the executive secretary.

D. In the absence of both the chairperson and vice-chairperson the S.P.A.C. memberships shall elect a chairperson pro tem.

ARTICLE VI

STANDING AND SPECIAL COMMITTEES:

The Adivsory Council may from time to time establish and abolish such standing or special committees as it may desire. Each member of every standing or special committee shall be a member of the Advisory Council. No standing or special committee may exercise the authority of the Advisory Council. Such special task forces and/or ad hoc committees may be called into existance for specific purposes and for designated time periods by the chairperson with the concurrence of the executive secretary and/or the State Superintendent. An executive committee, the composition and duties for which shall be recommended by the Advisory Council and approved by the S.S.P.I., may be formed to facilitate operations of the Advisory Council.

ARTICLE VII

LIMITS OF AUTHORITY:

The Advisory Council shall have no power to enter into contracts of any nature, or dispense public funds. In the absence of the State Superintendent's written consent, no Council member shall be required to provide any sum of money, property, or services other than the services described herein, to the Advisory Council. The Advisory Council shall have no powers beyond those expressly set forth herein.

ARTICLE VIII

PROCEDURE FOR AMENDMENTS:

Any member of the Council may propose amendments to the bylaws. Amendments must be presented to the membership at least one meeting in advance of the meeting in which action on the proposed amendment is taken. A two-thirds majority of the voting members shall be necessary to amend the bylaws.

The Bylaws of the Wisconsin Migrant Education State Parent Advisory Council were adopted at a regularly constituted meeting held on April 28, 1979.